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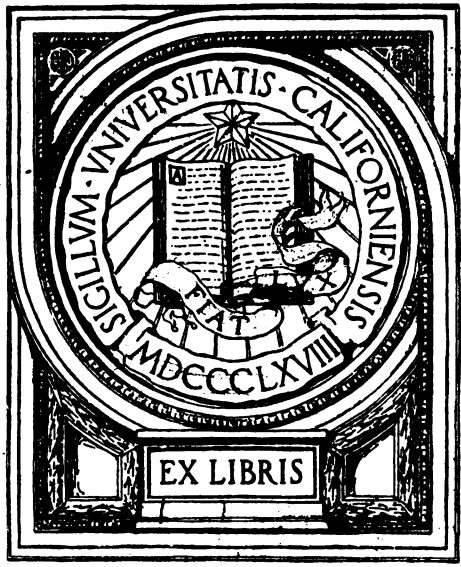

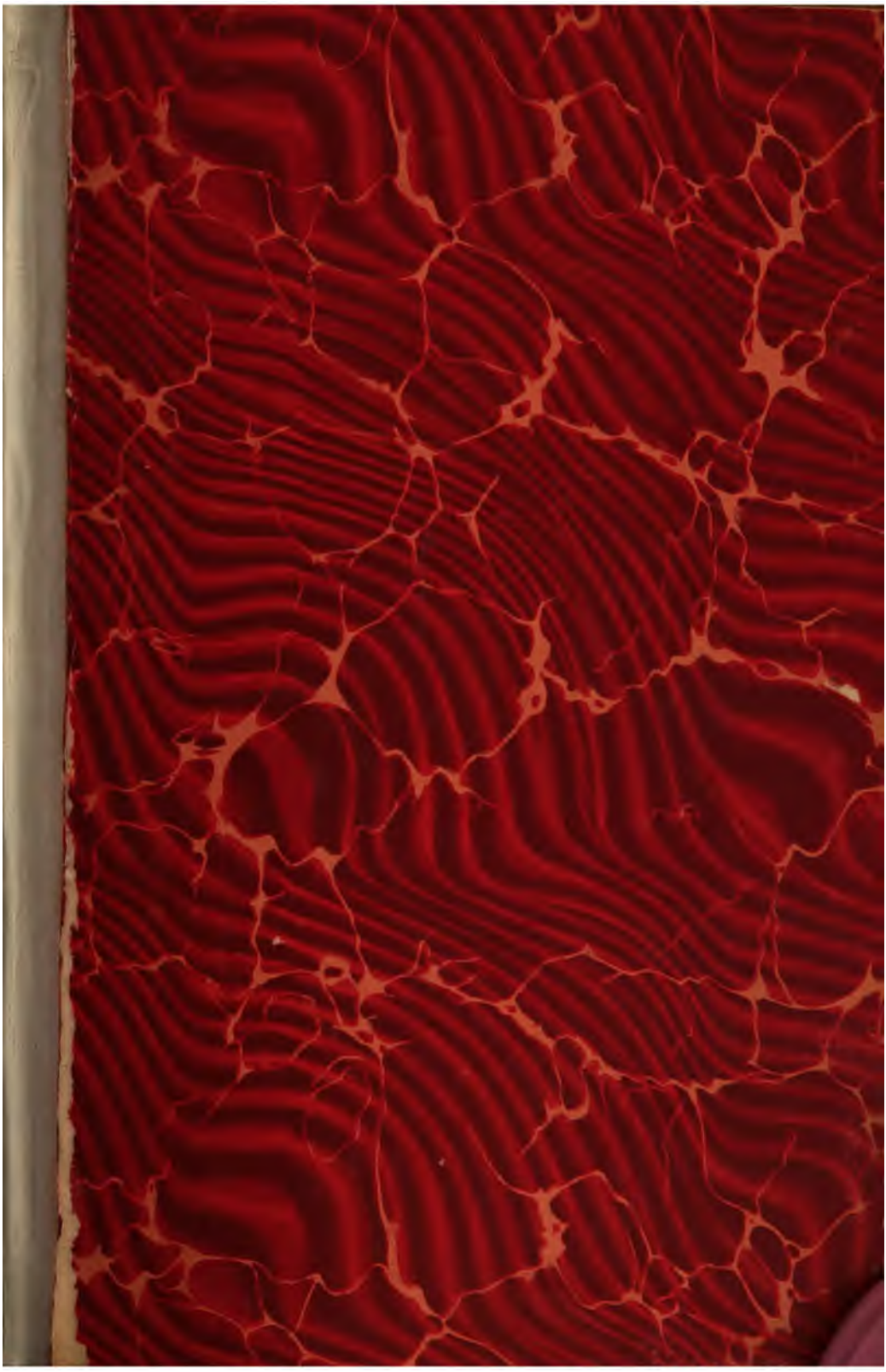

THE UNIVERSITIES OF EUROPE IN THE MIDDLE AGES

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THE

UNIVERSITIES OF EUROPE

IN THE

MIDDLE AGES

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IN TWO VOLUMES

VOL. II, PART I

ITALY — SPAIN — FRANCE — GERMANY — SCOTLAND

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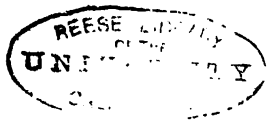

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THE MEDIEVAL UNIVERSITIES.

CHAPTER VI.

THE ITALIAN UNIVERSITIES.

For the authorities on the Italian Universities in general, see above, vol. I. p. 90.

Meaning of Studium Generale in the thirteenth century.

AT this point it may be desirable, even at the risk of some repetition, to remind the reader of the vagueness which long attached to the afterwards definite and highly technical conception of a Studium Generale. The word originally meant simply a Studium which was attended by scholars from all parts. But as it was only for the study of the higher subjects that it would be necessary for a student to take a long journey in quest of adequate instruction, the term naturally implied likewise a place of higher education and usually a place where teaching was to be found in one at least of what came to be technically known as the superior Faculties, with more or less definite implication of a plurality of teachers therein. Practically in the second half of the twelfth century it was only in a very few great centres—at first, indeed, almost exclusively at Paris, Bologna, Salerno, and Oxford—that the highest education in such subjects was attainable. Soon, however, through various causes—intestine feuds at Paris and Bologna, the jealousy and ambition of neighbouring cities, the multiplication of Masters in quest of employment, and the like—individual Doctors or whole bodies of scholars began to transfer the traditions of the great Mother-studia to other places. Henceforth it was natural that these places

CHAP. VI. should arrogate to themselves, with more or less success, the rank of Studia Generalia, and, when they ventured to multiply Doctors after the fashion of their parents, to claim for them the vague prestige attaching to teachers of the old archetypal Schools. Moreover, as the Mother-studia developed a more and more elaborate and complex organization, this organization was reproduced in the daughter-schools, and the term Studium Generale thus came more and more definitely to denote an organization of a peculiar type. When definite privileges—especially the privilege of dispensation from residence—came to be attached to students and teachers of Studia Generalia, recognition as a Studium which conveyed these privileges became the most prominent *differentia*, and the way was prepared for that association of the term with a papally or imperially conferred *jus ubique docendi* which has been already sufficiently explained. All that it is necessary to emphasize here is the vague and fluid meaning which the term Studium Generale carried with it at the end of the twelfth and the beginning of the thirteenth centuries.

Small Studia Generalia numerous in Italy.

It is especially in Northern Italy that the tendency of a great archetypal University to reproduce itself is exemplified. The number, independence, and rivalry of the Cities in this region specially lent itself to the process. And their political autonomy may partially account for a more extended use of the term Studium Generale than is elsewhere observable. It was natural for a City Republic which drew students from half a dozen neighbouring Cities to style its Studium general, while it would not occur to the Masters of an old Cathedral City in France or England to claim such a title for their schools because it drew scholars from a neighbouring Duchy or County, though not from foreign countries [1]. Hence in Italy we are obliged

[1] Yet in a document of 1287 we still read that 'Quatuor Studia generalia ad minus sint in Italia, scilicet in Curia Romana, Bononiæ, Paduæ et Neapoli' (Renazzi, *Storia dell' Univ. degli Studj di Roma*, I. p. 30), which shows how dubious was the recognition of many of the Studia mentioned below.

to treat as Studia Generalia many Schools which were certainly not of more importance than northern Studia which do not happen to be so described. It is a mere accident that we are obliged to include in our list of Universities places like Reggio in Emilia and to exclude Schools like Chartres and Laon, Lincoln and Salisbury, even Lyons and Reims, because they are not expressly called Studia Generalia in the twelfth or thirteenth century, and never afterwards acquired the organization and privileges which came to be associated with that term in the fourteenth. Even in Italy itself there may have been towns not expressly so called in any extant document which possessed Schools of exactly the same type as those which are.

Claims of Modena.

These remarks may be illustrated by the difficulty of deciding upon the claims of Modena to a place among Universities. We have already had occasion to speak of the secession of Pillius from Bologna to Modena[1] some time before 1182. As, however, there is no express evidence that Modena was ever looked upon as a Studium Generale, it is best not formally to include it in that category, though it is certain that during most of the twelfth and the thirteenth centuries[2] there was a very considerable Studium of Law in the place, for which its Doctors would probably have claimed whatever prerogatives were enjoyed by such places as have next to be mentioned. It is often spoken of in the same category as Reggio[3].

[1] Above, vol. I. p. 171: for the statement of Pillius, see Sarti I. pt. i. 84 *sq.* As to the importance of the School, see Tiraboschi, *Storia d. Lett. Ital* III. p. 638 *sq.*, and *Biblioteca Modenese* (Modena 1781), I. 48 *sq.*: Muratori, *Rer. It. SS.* IX. 771, XV. 560, and *Antiq. Ital. Med. Aev.* III. 905–6: Sillingardi, *Catalogus omn. Episc. Mutin.* Mutinæ, 1606, p. 91 (where it appears that Honorius III granted a faculty to absolve scholars for 'injectio manuum' *c.* 1223): *Munimenti di storia patria della prov. Modenese*, Parma, 1864, Stat. i. Rub. 163.

[2] Pillius, in describing his secession, uses the word 'Mutina quæ juris alumnos semper diligere consuevit' (ap. Sarti, 1888, I. pt. i. p. 84), but Savigny's statement that Placentinus taught here earlier in the twelfth century is unfounded. Denifle, I. p. 296.

[3] Odofredus claims the privileges accorded by the Civil Law to Professors in *Regiæ civitates* for Bolognese Professors who teach 'citra Aposam,'

CHAP. VI, § 1.

There is, however, no evidence of graduation having taken place at Modena, which establishes a clear difference between the position of the School and that of its rival, Reggio. I shall therefore treat Reggio, and not Modena, as the first of the spontaneously evolved reproductions of Bologna.

§ 1. REGGIO.

TACOLI, *Memorie storiche di Reggio.* Pt. III. Carpi, 1769.

At Reggio, as in so many other older Law-Schools of Italy, the special School of Law was a development of an ancient School of Rhetoric and Grammar in that comprehensive and quasi-legal sense in which those studies were understood in the earlier Middle Age. It was here that Anselm the Peripatetic studied in the first half of the eleventh century under Sichelmus, a pupil of Drogo[1]. To the year 1188 belongs a contract between the Podestà and a certain Jacobus de Mandra in which the latter undertakes to come to Reggio as a teacher and to bring scholars with him[2]. It is only a conjecture, though a probable one, that the contemplated secession was from Bologna, and it is not certain, though equally probable, that it was ever carried out. It is, however, clear that at the beginning of the following century Modena and Reggio were the most formidable of Bologna's younger rivals. By 1210 Reggio was clearly recognized as a Studium Generale since a Canon of Cremona is dispensed from residence to study there[3]—a privilege which could not be claimed except for study at a Studium Generale. A Doctoral

Anselm the Peripatetic.

Possible Bologna Secession, 1188.

Clearly a Studium Generale in thirteenth century.

not otherwise: 'Similiter et liberi eorum et uxores debent habere immunitatem, non qui docent leges Regii vel Mutinæ; immo est una proditio' (Dig. L. xxvii. Tit. 1. ad verb. *Romæ*, ap. Sarti, I. pt. i. p. 86; the text is very corrupt in the printed edition). Accursius likewise denies the privilege of the Jurists of Modena and Reggio, *ad loc.* (ed. Contius, 1576, c. 258). See above, vol. I. p. 102 *sq.*

[1] 'Itaque tunc temporis apud Regium ciuitatem magistrum meum domnum Sichelmum, uestrum discipulum, liberalibus disciplinis a uobis studiosissime eruditum adii.' *Ep. Anselmi Peripat. ad Drogonem*, ap. Dümmler, *Anselm der Peripatetiker.* Halle, 1872, p. 18.

[2] 'Cum scolaribus causa Scolam tenendi et tenebit.' Tacoli, III. p. 227.

[3] Denifle, I. p. 294.

diploma has been preserved of the year 1276 which testifies to a regular College of Doctors, regular examinations by the Doctors under the presidency of the Bishop, and a *Universitas Scholarium*[1]. At the beginning of the fourteenth century, however, seventeen students of Law complain that there is no longer a single Doctor in the place, and that the salaries are no longer provided by the Town; and this petition expressly speaks of the Studium as having once been general[2]. After this we hear of one or two individual Law-teachers here, as there were in almost every considerable Italian town[3]; but the Studium Generale had by this time entirely disappeared.

CHAP. VI. § 2.

Extinction.

§ 2. VICENZA (1204).

Savi, *Memorie antiche e moderne interno alle pubbliche scuole in Vicenza.* Vicenza, 1815.

The University of Vicenza[4] owes its origin to a definite migration of scholars in 1204, and it is practically certain that the migration came from Bologna[5]. Its history as a Studium Generale is a short one; for it seems to have come to an end in the year 1210[6], though there was still, as in so many other Italian towns, an intermittent Studium of Law and of Medicine here[7]. In later times, under the Venetian dominion, an attempt to get it erected into a

Migration from Bologna, 1204.

[1] Tacoli, III. pp. 215–216.

[2] 'Ut antiquitus fieri consuevit et maxime tempore boni status civitatis predicte, imo priusquam generale studium vigere consueverat in civitate predicta.' Tacoli, III. p. 225.

[3] Tacoli, III. p. 226.

[4] The only earlier trace of a Studium is the mention of a Theologian who taught in connexion with the Cathedral in 1184. Savi, p. 12.

[5] The evidence for this is the fact that two of the Doctors had taught at Bologna, taken in connexion with the measures adopted at this time by the City of Bologna which point to a secession. See above, vol. I. p. 171: Tiraboschi, T. IV. p. 66.

[6] 'Huic succedit Bernardus Vexillifer Papiensis. Sub isto venit Studium Scholarium in Civitate Vicentiæ et duravit usque ad Potetariam Domini Drudi' [*i. e.* 1204–1210]. Maurisius, *Hist.* ap. Muratori, *Rer. Ital. SS.* VIII. c. 15. 'Studium generale fuit in Civitate Vicentiæ, Ductoresque [*leg.* Doctoresque] in contrata Sancti Viti manebant: ut etiam hodie apud Priorem Sancti Viti apparent privilegia collationis Studii.' Antonius Godus, *Chron.* (*ib.* c. 75).

[7] Some salaries were voted in 1261. Savi, pp. 116, 117.

CHAP. VI, § 3.

Studium Generale by John XXIII failed, and the fact that such a document was considered necessary suggests, though it does not prove, that it had ceased to be regarded as a Studium Generale at all[1]. But during the short period 1204–1209 the University appears to have been a highly prosperous community. The scholars are said to have actually built or rebuilt the Church of S. Vitus, in which they installed a body of Camaldunensian monks from the convent at Verona; and in 1209—apparently upon the departure of the Bolognese students—the patronage of it was to the Order. From the documents relating to this transaction it is clear that there were then four Rectors and as many Student-Universities; while the number of the Doctors, the high position of many of the students, and the distant regions from which they had come testify, to the temporary scholastic importance of the place[2].

Four Universities.

§ 8. AREZZO (? 1215).

Secession from Bologna, 1215.

We have already seen[3] how a Law-school was established in Arezzo in 1215 by one of the early seceders from Bologna, Roffredus of Benevento[4]. Though he could not have remained in the town long[5], the Studium had become by the middle of the century one of the most important of these primitive outgrowths of Bologna. One of the earliest Italian Codes of University Statutes which have

Statutes, 1255.

[1] Savi, pp. 117–119. The petition contains the words 'cum alias fuerit studium in civitate Vicentie.'

[2] See the documents in Mittarelli, *Annales Camaldunenses*, Venet. 1755, IV. p. 213 and App. pp. 260–263. The words relating to the Rectors (in 1205) are 'dilectis in Christo fratribus magistro Roberto de Anglia, et Guilielmo Cancelino de Provincia, et Guarnerio de Alemannia, et Manfredo de Cremona, rectoribus pro universitate,' &c. In 1206 we have only 'Mag. Robertus de Anglia et dominus War. de Alamannia rectores universitatis scolarium in Vicentina civitate commorantium.' Among the representatives who cede back the Church in 1209 only one Rector is mentioned—a 'Rector de Ungaria,' which suggests the possibility of a fifth University having arisen.

[3] See above, vol. I. p. 172.

[4] 'Cum essem Arretii, ibique in cathedra residerem, post transmigrationem Bononiæ, ego Rofredus Beneventanus juris civilis professor an. Dn. MCCXV,' ap. Sarti (1888), I. pt. i. p. 133.

[5] Not after 1218, as appears from Bulls of Honorius III: see Denifle, p. 424 *n*.

come down to us belongs to Arezzo, and is of the date 1255. Unfortunately the constitution is totally different from that of the parent University, on which it consequently throws little light. Here the Rector is elected and the Statutes made by the Doctors—now seven in number—of Law, Medicine, and Arts. The University originated in the secession of a Master, not in a secession of students: hence the Masters seem to have made their own arrangements, and assumed to themselves the right of conferring the *licentia ubique regendi*[1].

The School of Arezzo might no doubt have claimed the honours of a Studium Generale *ex consuetudine* while it lasted. But no trace of its existence can be discovered from the middle of the thirteenth century[2] till the Studium was restored by the immigration of deserters from Bologna, in consequence of an Interdict[3], in 1338. In 1355 a foundation-brief for a Studium Generale was obtained from the Emperor Charles IV[4]. All trace of the revived Studium is lost after 1373 and a fresh Imperial privilege which was granted in 1456 failed to restore animation to the defunct University[5].

Imperial Charter, 1355.

[1] It is provided that no one is to lecture 'nisi sit legitime, et publice, et in generali conventu examinatus, et approbatus, et licentiatus, quod possit in sua scientia ubique regere.' See the Stat. in Guazzesi, *Dell' antico dominio del vescovo di Arezzo in Cortona*. Pisa, 1760, p. 107 (reprinted by Savigny, III. App.). Here we have the method of licensing prevalent at Bologna before the right of promotion was conferred upon the Archdeacon in 1219. It should be observed that the Masters of Grammar, Dialectic and Medicine seem here to act as a single College.

[2] Except that provision is made for the education of citizens by the town-statutes of 1327. Denifle, I. pp. 425–6.

[3] 'Suo tempore (*i. e.* in 1338) venerunt doctores Arretium ad legendum in jure canonico et civili; et hoc quia non poterant stare Bononiæ, occasione excommunicationis D. Papæ, quando expulserunt legatum de terra. Habuerunt salarium CC florenorum auri.' *Annales Aretini* ap. Muratori, *Rer. Ital. SS.* XXIV. c. 878. Cf. above, vol. I. p. 217.

[4] The brief (ap. Denifle, I. p. 427) declares that 'in eadem civitate longo tempore studium viguerit juxta imperialia privilegia que propter civilium guerrarum discrimina dicuntur deperdita': of such 'privileges' there is no trace. By this time the idea that a Studium Generale must be founded by Pope or Emperor was so firmly established that, it being known that Arezzo had once been a Studium Generale, it was presumed that there must have been a foundation-brief.

[5] Guazzesi, *l. c.* pp. 109, 110.

CHAP. VI, § 4.

§ 4. PADUA (1222).

RICCOBONUS, *De Gymnasio Patavino.* Patavii, 1698, &c.: and in Grævius, *Antiq. Italiæ*, T. VI. P. iv. TOMASINUS, *Gymnasium Patavinum*, Utini, 1654. PAPADOPOLUS, *Historia Gymnasii Patavini*, Venetiis, 1726. FACCIOLATI, *De Gymnasio Patavino Syntagmata XII.* Patavii, 1752, and *Fasti Gymnasii Patavini.* Patavii, 1757. COLLE, *Storia scientifico-letteraria dello studio di Padova.* Padova, 1824 (the most elaborate of these histories). GLORIA, *Monumenti della Università di Padova* (1222-1318). Venezia, 1884; Padova, 1885. *Monumenti della Università di Padova* (1318-1405). Padova, 1888. *Monumenti della Università di Padova raccolta da Andrea Gloria e difesi contro il Padre Enrico Denifle.* Padova, 1888.

There are also two unimportant pamphlets, GROTTO DELL' ERO, *Della Università di Padova, Cenni ed Iscrizioni.* Padova, 1841 : and LASTE, *Brano Storico Portumo di Padova dall' anno MCCCCV al MCCCCXXIII.* Padova, 1844.

No Statutes were till recently known (except the Town-statutes of 1460 referred to below) earlier than the Jurist Statutes of 1463, printed with additions in 1551 (*Statuta spectabilis et almæ Universitatis Juristarum Patauini Gymnasii*); the *Statuta Dominorum Artistarum Achademiæ Patavinæ* belong apparently to 1486. The Jurist Statutes of 1331 have recently been discovered and printed by Denifle in *Archiv f. Lit.- u. Kirchengesch. d. Mittelalters*, VI. p. 309 *sq.* In spite of the number of its University historians, much of the history of Padua has been written for the first time by Denifle. Gloria has collected some useful documents, but they are edited in a very inconvenient form. He has been unwise enough to enter into an unequal combat with Denifle.

There is an interesting study by ANDRICH, *De Natione Anglica et Scota Juristarum Univ. Patav. ab a. MCCXXII usque ad MDCCXXXVIII.* (Patavii 1892).

By far the most important of the daughters of Bologna was the great University of Padua, which early proved a formidable rival of the Mother University, and eventually surpassed it in everything but the incommunicable prerogative of historical prestige. The famous Bologna Jurist Martinus, or another of the same name, appears to have taught at Padua some time before the year 1169, when we hear of the election as Bishop of Padua of a Jurist who was teaching in 'the School of Martinus'[1]; but, with the exception of this episode, we find no trace of a Studium Generale till the thirteenth century[2]. The

[1] 'Qui tunc regebat in legibus in domo Martini de Goxo que erat juxta majorem ecclesiam Paduanam' (Gloria, *Cod. Dipl. Pad.* Ven. 1879, pt. i. p. xcviii).

[2] Colle (I. p. 59) speaks of S. Silvester as being born in 1177 and being sent to study at Bologna and Padua as a young man, but according to Sarti (II. p. 165) the Saint died in 1326.

chroniclers say that the Studium of Bologna was 'transferred to Padua in the year 1222[1].' It is not improbable that Law was taught at Padua at an earlier date, but its history as a Studium Generale begins with this year. We have seen to what a pitch the quarrels between the City of Bologna and the Student-universities had been carried by the year 1220[2]; and it is quite possible that the Chroniclers' statement is no very gross exaggeration. There may well have been a short period during which Bologna was practically deserted by students. No doubt such a secession cannot have lasted long; but, though a large proportion of the seceders probably returned to Bologna upon the re-establishment of peaceful relations with the town, a large body certainly remained behind. Later historians, anxious as usual to ascribe the origin of a University to some sort of authoritative charter or edict, represent the Emperor Frederick II as the author of the 'transference'[3]: but it is certain that whatever attempts the Emperor made to crush the University of Bologna did not begin till 1225[4], and then were inspired on the one hand by hostility to that City, and on the other by his desire to benefit his own creation at Naples; but not at all by any favour for Padua which was a member of the Lombard League no less than Bologna.

CHAP. VI, § 4. Migration from Bologna, 1222.

In 1226 we hear of a book, the 'Rhetorica Antiqua' of Buoncompagni, being read in the Cathedral in the presence of the Professors of Civil and Canon Law, and

[1] 'MDCCXXII... Hoc anno translatum est Studium Scholarium de Bononia Paduam.' *Regimina Paduæ* ap. Muratori, *Rer. Ital. SS.* VIII. c. 371, cf. *ib.* cc. 421, 459: *Antiq. Ital.* V. c. 1129. In 1223 Jordan of Saxony preached 'Scholaribus apud Paduam' and induced 33 of them to enter his Order. *Lettres de Jourdain de Saxe*, ed. Bayonne (Paris and Lyons, 1865), pp. 8, 12.

[2] Vol. I. p. 173.

[3] We have an interesting hint as to the reasons for the choice of Padua in Sarti (I. pt. i. p. 402). The Bishop of Padua 'Bononiæ degebat' in 1222, and no doubt encouraged the project.

[4] *Chron. di Bologna* ap. Muratori, *SS.* XVIII. 254: Sigonius, *Histor. Bonon.* Francofurti, 1604, p. 100. Cf. Winkelmann, *Acta Imperii inedita*, 1885, I. 263: (in 1227 A.D.) 'sententias . . . revocamus et specialiter constitutionem factam de studio et studentibus Bononie.'

CHAP. VI, § 4.

Contract for Migration to Vercelli, 1228.

of all the Doctors and scholars dwelling at Padua [1].' It is a singular fact that the next document relating to the new University should be a contract made in 1228 between the representatives of the students and the City of Vercelli for the transference of the Studium to that place. Already the Commune of Padua had proved itself as unaccommodating as that of Bologna: and the emissaries of the students had been sent abroad to get better terms for them elsewhere. Vercelli agreed to make over to the students 500 of the best houses in the place [2], and more if necessary. This fact is one of the best evidences we have as to the populousness of the early Universities. Even now, when the original single University of Bologna was throwing out colonies in all directions, we find the possibility contemplated of a migration from one of them of not less—at a very low estimate of the average capacity of each house—than 2500 or 3000 students. It is provided that the rent of each house should not exceed 19 *libræ papienses*, and should be fixed by taxors representing University and City. The City further agrees to lend 10,000 *libræ* to scholars at a fixed rate of interest [3], to secure a due supply of provisions, and to provide 'competent salaries' for one Theologian, three Civilians, four Canonists, two Doctors of Medicine, two Dialecticians, and two Grammarians, the Masters to be elected by the Rectors and to be compelled to teach gratuitously. The Commune further undertakes to send messengers to announce the establishment of the Studium in all parts of Italy, to provide two copyists (*exemplatores*) who shall transcribe books for the scholars at a rate to be fixed by the Rectors, and to grant certain immunities from

[1] 'Item datus et in communi deductus fuit Paduæ in maiori ecclesia in præsentia domini Alatrini, summi Pontificis capellani, tunc Apostolicae sedis legati, venerabilis Jordani Paduani episcopi, Ciofredi theologi, cancellarii Mediolanensis, professorum iuris canonici et civilis et omnium doctorum et scolarium Paduæ commorantium anno domini 1226 ultimo die mensis Martii.' Doc. in Rockinger, *De Arte dictandi in Italia* (*Sitzungsberichte der bayerischen Akad. zu München*, 1861, p. 135).

[2] 'Quingenta hospicia de milioribus, quæ erunt in civitate et, si plura erunt necessaria, plura.'

[3] Savigny's assumption that this is to pay their debts at Padua is perhaps too optimistic.

taxation. The civil jurisdiction of the Rectors is recognized, the criminal jurisdiction being reserved to the town Magistrates. On the other hand the Rectors and scholars promise on behalf of 'all the other scholars of their Rectorship' that the whole Studium of Padua shall come to Vercelli and there remain for eight years: but there is a cautious proviso that, if the scholars are not able to execute the contract (as might easily happen if the Paduan authorities got wind of the affair), they shall not be bound by its terms. CHAP. VI, § 4.

There has been much controversy concerning the extent to which this contract actually took effect. On the one hand it has been supposed that it remained wholly unexecuted, on the other that the entire Studium of Padua really was dissolved and transplanted to Vercelli for the eight years specified in the contract. It has now, however, been placed beyond all doubt that a considerable migration of students to Vercelli did take place, but that the Studium at Padua by no means came to an end in 1228. Both facts are proved by evidence of the same character. The Dominican General, Jordan of Saxony, records the 'conversion' of twenty scholars at Padua in 1229[1]—the year after the contract; while in the same year he mentions the 'conversion' of the Rector[2] of the German scholars at Vercelli and of twelve or thirteen Masters or Bachelors. Nor (as we shall see) did the separate existence of the

Migration did not destroy the Paduan Studium.

[1] 'Ubi bene viginti et probi postea intraverunt.' *Lettres*, p. 100. Again about 1232, thirty were converted, several of them Masters (*ib.* pp. 166, 168). So in a letter from a Doctor then teaching at Padua to the Bolognese Doctor Petrus Hispanus the latter is invited to come to Padua where 'habebitis multitudinem auditorum, ubi loci viget amœnitas et venalium copia reperitur' (Sarti, I. pt. ii. p. 364). This letter, referred by Sarti to 1223, could not, according to Denifle (I. 278), have been written before 1228 or 1229. The earliest life of S. Antony of Padua (on the date of which, see Denifle's note, I. p. 283) speaks of the processions to his tomb in 1231 of 'litteratorum turma scolarium, quorum non mediocri copia uiget civitas Paduana,' (*Portugaliæ Monumenta SS.* T. I., Olisipone, 1856, p. 124); and in the next year, among those who wrote to the Pope to obtain the canonization of the Saint was 'favore digna magistrorum atque scolarium universitas tota.' *Ib.* p. 125.

[2] 'Studens in Jure Canonico, Theutonicus, Spirensis Canonicus, qui rector erat Theutonicorum scolarium Vercellis.' *Lettres*, p. 114. Cf. *ib.* p. 16.

CHAP. VI, § 4. colony absolutely cease with the expiration of the contract.

Early Organization. The Vercelli contract may be considered the *locus classicus* for the condition not only of Padua but indirectly also of Bologna in the first half of the thirteenth century. It is not clear whether there were at Padua three Rectors or four: at all events only three of them seem to have taken part in the proceedings. Nor does the Head of each 'Rectorship' seem necessarily to have been styled Rector. We hear of a 'Rector' of the French, English and Normans, a 'Proctor' of the Italian scholars and a 'Provincial' of the Rectorship of Provençals, Spaniards and Catalans. But in the University which it was proposed to establish at Vercelli there were undoubtedly to be four Rectors, *i.e.* of the French, the Italians, the Provençals, and one other. The name of the fourth Rectorship appears to have been left blank in the original MS.: in all probability it consisted of Germans[1].

Decline, 1237–1260. Although (as has been said) the Paduan Studium was not immediately extinguished by the Vercelli secession, there can be no doubt that during the atrocious tyranny of the Ezzelino family (1237–1260) it was reduced to a very low ebb, and at length practically ceased to exist[2]. Its revival dates from the restoration of freedom in 1260 which was followed by an exodus of students from Bologna on account of the war between that City and Forlì, and of the Papal interdict on the Bologna Schools. The contract made in 1262 between the Bologna seceders and the City of Padua

Revival, 1260.

[1] The original is not extant. In the first printed copy of it (Zacharia, *Iter litterar. per Italiam.* Venet. 1762, p. 142), there is a blank after the third 'Rectore'; in a MS. copy preserved at Vercelli, the blank is filled up with 'Theotonicorum.' See Savigny's note, cap. xxi. § 116. It is printed by Savigny in an Appendix: also by Gloria, *Mon.* (1222–1318) II. 5, and below, App. xvi.

[2] 'Patavium (*sic*), quæ nunc Padua vocatur, in qua multo tempore viguit studium literarum.' Albertus Magnus, *De natura locorum.* Lugd. 1651, T. V. tr. 3. c. 2, p. 286. In 1253 there is an allusion to a 'notary and scholar' (Muratori, *Rer. Ital. SS.* VIII. c. 271, 280). Gloria has attempted to show that the University Statutes, organization, &c. were preserved uninterruptedly from 1222, but his case, never a good one, is rendered hopeless by the discovery of the Statutes mentioned below.

has recently been discovered[1]. In the year 1260 the town-statutes provide for the payment of *salaria* to Doctors, and make other regulations for the benefit of the Studium: whereas the Statutes of the preceding year speak only of Masters of Grammar[2]. At the same time a Code of Statutes was drawn up[3]. If any earlier written Statutes had ever existed, the very memory of them had perished: the University made an entirely new start in 1260, and was naturally organized on the later Bologna model with two Universities of *Ultramontani* and *Citramontani*; though during the year 1260, and often afterwards, both Rectorships were held by the same person[4]. The Licence was conferred by the Bishop, and in 1264 a Bull of Urban IV sanctioned the practice[5]. In 1346 the University further obtained from Clement VI a confirmation of its prerogatives as a Studium Generale. But, lest this Bull should be regarded as in any sense a 'foundation' of the University, it may be well to add that the preamble recites that there had been a Studium Generale in the place from time immemorial in all Faculties except Theology[6]. The Bull for a

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Bull of Urban IV, 1264.

Confirmation of Studium Generale by Clement VI, 1346.

Theological Faculty, 1363.

[1] It is contained in the newly discovered Statute-book described below (p. 15, *n.* 1: *Archiv*, VI. 513, cf. Facciolati, *Fasti*, pp. i, vi). In 1362 the historian Rolandinus recounts his reading of his Chronicle before the Doctors and Masters, some of whom were described as 'Doctores in Physica et scientia naturali,' one as 'Magister in Loyica,' others as 'Magistri in Grammatica et Rhetorica,' 'præsente etiam Societate laudabili Bazaliorum (*sc.* Baccalariorum) et Scholarium liberalium Artium.' *Chron.* xii. 19, ap. Muratori, *Rer. Ital. SS.* VIII. c. 360.

[2] *Statuti del Comune di Padova*, ed. Gloria, 1872, pp. 375, 380 (also printed by Denifle, I. p. 800). In 1273 the youthful Cervottus Accursius was hired from Bologna at the liberal salary of 500 *libræ*. Sarti, I. pt. i p. 204. Cf. also Gloria, *Mon.* (1222–1338) II. p. 17 *sq.*

[3] See the Preface to the Statutes of 1331. *Archiv*, VI. 380.

[4] *Archiv*, VI. 399. The Rectorships were permanently united in 1473.

[5] Riccobonus, f. 3: Tomasinus, p. 9.

[6] See the Bull in Riccobonus, f. 4; Gloria, *Mon.* II. p. 25 (1318–1405); and a confirmation by Eugenius IV in 1439 (Riccobonus, f. 6) which confers all the privileges of Paris, Oxford, Bologna, and Salamanca, (mentioned in that order). The Jurist Baldus declares that Padua was a 'Studium generale ex consuetudine et sic privilegia eumdem (*sic*) sunt quæ Bononiæ ubi est Studium generale ex consuetudine legitima.' So cited by Colle, I. p. 51: but the printed edition (Francof. ad Mæn. 1589, T. V. cons. 77) has 'privilegia eadem sunt, quæ ex privilegio

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Studium Generale in Theology was obtained in 1363 from Urban V [1].

New migrations from Bologna, 1306 and 1322.

At the beginning of the fourteenth century (1306) the numbers were largely increased by a temporary dispersion of the Bologna students in consequence of a Legatine Interdict on the City which had expelled the Lambertazzi and the Papal Legate [2]. The troubles of the year 1321 again brought an influx of Bologna students who had temporarily seceded to Imola: and thither the City of Padua (like Siena and probably other Italian Cities) sent envoys to negotiate a more permanent migration to their University. The treaty drawn up between the contracting parties on this occasion has been preserved, and makes it plain that the new-comers must have constituted by far the larger part of the Paduan University. Besides conceding the ordinary University privileges, the City agreed that the Rectors should be allowed to bear arms (which was at present forbidden at Bologna), that scholars should not be tortured except in presence of the Rectors, that clerks should be handed over to the ecclesiastical judge, that salaries should be provided for nine Doctors of Civil and Canon Law as well as for the permanent officials of the Studium, and lastly that the University should henceforth be governed by the Bologna Statutes [3]. This last provision was found difficult of execution, as the seceders had omitted to bring with them a copy of their Statutes; and the law of the University continued in a state of great confusion till the year 1331, when a new Code was prepared, taken mainly from the then current Statutes of Bologna, but partly from the older Paduan code [4]. These Statutes have recently been

History of Statutes.

Lotharii Imperatoris, ut dicitur.' Baldus adds that the Bishop gave the 'licentia legendi hic et ubique terrarum.' Cf. Riccobonus, f. 1.

[1] Printed in Gloria, *Mon.* (1318–1405) II. p. 55.

[2] 'Idem vero legatus [Napuleo de Ursinis] maximos contra prædictos Bononienses promulgavit processus, et generali studio et honoribus et privilegiis pariter privavit: et fere Scolares universi cum suis Doctoribus iverunt Paduam.' *Annal. Cæsenat.* ap. Muratori, *Rer. It. SS.* XIV. c. 1127.

[3] The contract is preserved in the Statutes, *Archiv*, VI. p. 523.

[4] *Archiv*, VI. pp. 523–534. Another

discovered at Gnesen and published by Father Denifle[1]. The Statutes of 1432 appear in the printed edition of 1551. CHAP. VI, § 4.

The general resemblance of the Paduan Statutes and Constitution to those of the parent University will make it unnecessary to give any detailed account of the former. A few points of difference may be noticed. The Universities of Law were divided into Nations more symmetrically than at Bologna[2]. Each University had ten votes, and each vote represented a Nation; the Germans alone had two votes[3]. The exclusion of citizens from the Universities was maintained as at Bologna[4]: but there was here no counterbalancing monopoly for citizen-professors. On the contrary, citizens are expressly excluded by the Statutes from the salaried Chairs, though their language shows that the Commune had made an attempt to thrust its citizens into them without election by the students. The Statutes provide that the salaried Doctors should be nominated by the *Tractatores Studii* who administered the funds provided by the City, but formally elected by the students[5].

Constitution compared with Bologna.

curious provision is the arrangement that the City should procure a merchant from Venice to go to Bologna and fetch the books and other effects of the students, left behind them in their hurried flight.

[1] *Archiv*, VI. pp. 309 *sq.*, 523-6. The Statutes were found in the Chapter Library of Gnesen by Prof. Nehring of Breslau. They bear the date of 1301, but Denifle has shown that they really belong to 1331. These Statutes reveal with peculiar clearness the method by which the Student-domination was established. An offending Doctor 'prohibeatur publice a legendo, et scolaribus precipiatur, ne ipsum audiant in virtute prestiti iuramenti,' and an offending scholar 'proclametur per scolas quod nullus doctor ipsum in scolis tenere debeat et in eius legere presencia in virtute prestiti sacramenti' (*ib.* p. 486); and the prohibition involved social excommunication: 'qui privatus est ab Universitate, intelligatur esse privatus comodo singulorum' (*ib.* p. 491). These Statutes are also interesting as showing that there were regular University Sermons at the Dominican Church here as doubtless in other Italian Universities (*ib.* p. 479).

[2] *Archiv*, VI. p. 399.

[3] But there is a trace of another, perhaps older, division of each University into four 'generales' or 'principales nationes' (*ib.* pp. 466, 482). Cf. above, vol. I. pp. 156-158.

[4] The *Ultramontani* have also a certain superiority; since if the Rectors issued contradictory commands, the Doctors are to obey the Ultramontane Rector. *Archiv*, VI. p. 399.

[5] *Archiv*, VI. pp. 417-422. The bargains with Doctors by the Scholars themselves, however, continued: 'ne aliquis rubore alterius consocii

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CHAP. VI, § 4. There was a Doctoral College as at Bologna, but here Civilians and Canonists belonged to the same corporation. At one time the *Doctores Collegiati* were limited to twelve, the number was afterwards increased to twenty, then to twenty-five, then to thirty. In 1382 all restriction of number was removed [1].

Medicine and Arts. In the earlier portion of our period the University of Medicine and Arts was entirely subordinate to the University of Canon and Civil Law [2]. Both Professors and Scholars were compelled to swear obedience to the Statutes of the Jurists; and there was an appeal from the Medical Rector either to the Ultramontane or Citramontane Rector of Jurists (according to the nationality of the respondent), or to the Reformator Studii; and fees were paid upon matriculation or graduation to the superior University. Such is the state of things confirmed or established by an agreement of 1360. The agreement itself probably arose out of some resistance on the part of the inferior University; and another revolt took place at the end of the century. At last in 1399, through the mediation of Francis of Carrara, son of the reigning Prince, the Jurists consented to renounce their unnatural supremacy: but the appeal to the Jurist Rector was maintained [3]. It should be added that the relation of the Medical Univer-

sui confusus in promissionibus agravetur, inhibemus singulis scolaribus, ne quis doctori suo in diebus colecte aliquid promittat nec in libro aliquam summam scribat nec publice dare aliquam pecuniam vel alia exenia debeat vel presumat, sed quilibet sine aliqua proclamatione secrete offerat et det suo doctori prout sibi visum fuerit expedire' (*ib.* p. 471). The *collecta* must be between twenty and forty *aquilini* (*ib.* p. 472).

[1] Gloria, *Mon.* (1318–1405), II. 29, 30. The College was now confined to Paduan citizens *or* salaried Professors. Earlier (1303), it would appear that there were two Colleges (*ib.* p. 60).

[2] The Artist-Rector was also to receive the hood from one of the Jurist Rectors, after receiving authority so to do from the 'Cancellarius studii.'

[3] It was on this occasion, by way of compensation for their loss of fees, that the Prince presented the University building to the Jurists. Gloria, *Mon.* (1318–1405), II. pp. 342-345. See also doc. ap. Denifle, *Archiv*, III. 395 *sq.* The Reformator at this time was an ecclesiastical member of the Carrara House. From a document of 1400 (Gloria, *l.c.* p. 374) it appears that the Conductiones were managed by three *Tractatores* appointed by the Commune.

sity to the College was here decidedly different from that which obtained at Bologna. In a document of 1393 the College enforces an oath of obedience to its Prior or Provost upon all students as well as upon the Professors[1]. In the University of Medicine and Art the Rector's jurisdiction extended to all criminal cases except such as involved mutilation[2]. This University was divided into seven Nations of which only one was Ultramontane[3].

Disqualification of poor or youthful Students.

In all the Universities 'servants and mercenaries' were excluded from a vote, while those who were sent to the University by charity (*alienis sumptibus*) were incapable of office. Boys under thirteen were disfranchised in the Artist University, those under fifteen by the Jurist Statutes[4].

Colleges.

Padua did not possess a College till 1363, when the Collegium Tornacense was established for six students of Law by a Bolognese citizen, Petrus de Boateriis[5]. The other Colleges founded at Padua up to 1500 were the Collegium Jacobi de Arquado (1390), an endowment for Cypriots in 1393, the Collegium Pratense or Ravennense (1394), the Scholares Auximani (1397), the Collegium Ridium (1398), the Collegium Curtosii (1412), the Collegium Spinelli (1439), the Collegium Engleschi (1446), and the Scholares Tarrisiani (1454). All these Colleges were small, the largest apparently being the Collegium Pratense with twenty students. As in most other flourishing Italian Universities, the number of Colleges increased largely during the sixteenth and the first half of the seventeenth centuries; at Padua twenty such foundations were established between 1512 and 1653[6].

[1] Gloria, *l. c.* pp. 271, 272. In an earlier document of 1306 the Scholars are enjoined to obey the Prior by the Bishop. Gloria, *Mon.* (1222–1318), I. p. 145: II. p. 63. The Scholars protested, and the Bishop suspended the mandate.

[2] *Stat. Artist.* f. vi *b*. The Jurist Statutes (*Stat. Jur.* f. 20) simply confer ordinary jurisdiction; but no doubt at this time the Jurist Rectors must have possessed at least as much power as the Medical.

[3] *Stat. Artist.* xiii.

[4] *Stat. Jur.* ff. 41 *a*, 45 *b*; *Stat. Artist.* ff. i *b*, viii *b*.

[5] Facciolati, *Syntagmata*, p. 120.

[6] *Ib.* pp. 124–151: Gloria, *Mon.* (1318–1405), II. 76, 289, 331, 352. As to the endowments not styled

CHAP. VI, § 4. Increasing fame.

During the earlier part of its existence the University was dependent for its prosperity upon the troubles of its great neighbour, Bologna. While actual secessions from Bologna lasted, it practically took the place of the Bologna Studium. In 1274 for instance, during the War with Forlì, the Canons of the Council of Vienne were officially communicated to Padua[1]. But gradually, with the declining fame of the Bologna Doctors and the incessant disputes with the Bolognese citizens in the first quarter of the fourteenth century, Padua acquired a more independent and permanent reputation, and eventually rose to the position of the first University in Italy. Its progress was in no way retarded by the subjection of the City to the Dukes of the Carrara family in 1322 or to the Venetians in 1404. It was from Francis Carrara, in 1399, that the University received for the first time a building of its own[2]: while the ox-tax and the waggon-tax were assigned for the payment of the Doctors[3]. The Venetian government likewise adopted the policy of patronising and encouraging the University, and largely increased the salaries[4]. Four Paduan citizens were long allowed to act as *Reformatores* or *Tutores Studii*[5], while the election of Professors remained, nominally at least, in the hands of the students till 1445, and in the case of some chairs till *circa* 1560[6]. An edict

Colleges in the above list, it is not clear, though probable, that the scholars were obliged to live together.

[1] Gloria, *Mon.* (1222–1318) II. p. 28. Cf. Pez, *Thes. Nov Anecd.* I. c. 430.

[2] Tomasinus, p. 18: *Stat. Jur.* f. 162: Muratori, *Rer. Ital. SS.* xii. p. 974; and above p. 18, *note* 3. It was on the invitation of James of Carrara that Petrarch took up his abode in Padua as a Canon of the Cathedral: but he had no official connexion with the University, which was as a body one of the last and bitterest enemies of Humanism. (See above, vol. I. pp. 264–5.) It is noticeable, however, that a chair of Greek was established before 1465, *Stat. Artist.* f. xxii.

[3] Tomasinus, p. 19 *sq.* Hence no doubt the name of the University building, *Il bo.*

[4] Tomasinus, p. 18 *sq.*

[5] Tomasinus, p. 25. It was not till 1517 that a board of three Venetians took their places. *Ib.* p. 26.

[6] Riccobonus, f. 8 *b*; Tomasinus, p. 136; *Stat. Jur.* ff. 59, 62; *Stat. Artist.* f. xx *b*. In 1467 some of the chairs were assigned to Paduan citizens and a share in their appointment to the Paduan civic authorities. The consent of the Venetian Government had of course been required

inflicting a month's imprisonment upon a householder in whose house a student should be found shut up 'to prevent his attending the balloting,' suggests a comparison with the most hotly contested of old English Parliamentary elections[1].

Relations to Venice.

Among other honorary privileges, Venice conferred on the Rector the right to wear a robe of purple and gold, and, upon resignation of his office, the title of Doctor for life with the golden collar of the Order of S. Mark[2]. It was under Venetian tutelage that Padua reached the zenith of her glory, becoming in the fifteenth and sixteenth centuries one of the two or three leading Universities in Europe. Venetian subjects were forbidden to study elsewhere than at Padua, and eventually a period of study there was required as a qualification for the exercise of public functions at Venice[3]. Padua became in fact the University town or, as M. Renan has styled it, the 'quartier latin' of Venice: while the tolerance which, under the protection of the great commercial Republic, long defied the fury of the Catholic reaction, attracted an exceptional number of students—especially medical students[4] from England and other Protestant countries, even when the days of medieval cosmopolitanism were elsewhere rapidly passing away[5].

before. *Stat. Artist.* xxiii *b*. Specimens of the *Rotuli* containing the names of the elected Professors which were annually sent to Venice, are given in Tomasinus, p. 155 *sq*. The appointments to the elective chairs at the time of the printed Jurist Statutes were made by the Rector and *Consiliarii* (*l. c.*).

[1] *Stat. Artist.* f. xxxiii *a*. (Such episodes are, I believe, not unknown in Scotch Rectorial elections at the present day.) From the earlier Statutes of 1331 we learn that 'evenit experiencia unum interdum ponere plures ballotas in piside.' *Archiv*, VI. p. 481.

[2] Conringius, *Diss. Acad.* V. ed. Heumannus, 1739, p. 164.

[3] The first enactment dates from 1468, (*Stat. Jur.* f. 51 *b*), the second from 1479. Riccobonus, f. 10 *b*.

[4] At an earlier period we find patients coming from long distances to be treated by the Paduan physicians. In 1396 a German came from Halle to be cured of asthma; after spending nine months under the care of a German M.D. at Padua, he is said to have been cured by Bartholomeus de Mantua. Gloria (1318–1405), II. p. 306.

[5] See Andrich, *passim*. There were a considerable number of

§ 5. NAPLES (1224).

CHAP. VI, § 5.

The fullest special treatment of this University is in ORIGLIA, *Istoria dello Studio di Napoli.* Napoli, 1753. Cf. also SIGNORELLI, *Coltura nelle due Sicilie.* Napoli, 1784, II. p. 244 *sq.*; III. 28, &c. Many documents are printed in HUILLARD-BRÉHOLLES, *Historia Diplomatica Frid. II.* Parisiis, 1852, &c., and DEL GIUDICE, *Cod. Diplomatico del regno di Carlo I. e II. d' Angiò*, I. pt. i. 250 *sq.*

Creation of Universities by Pope and Emperor.

We have already seen[1] the important influence which was exercised upon the whole theory of a University, and the mode in which Universities could originate, by the efforts of the Empire and the Papacy to call Studia into being for purposes of policy, and to create by a stroke of the pen that 'generality' which had hitherto been secured only by educational efficiency and wide-spread appreciation. In these efforts the Empire took the lead. The University of Naples was the first University in Italy which was founded at a definite time by a definite Charter, and the first University in any part of Europe to be so founded with the partial exception of Palencia, which was founded, though not chartered, by the Castilian King Alfonso VIII in 1212–1214.

Foundation of Naples, 1224.

Motives of Frederick II.

Bologna, though its University was in no sense the creation of the Papacy, was a Guelphic City, and the attempt to create a powerful rival to the great Italian Law School originated with the highly cultivated Emperor Frederick II, the friend of learning, the enemy of civic liberty, the mortal enemy of the Church and of the Papal See. His chief agent in carrying out the scheme was his Chancellor, the famous Petrus de Vineis[2]. If any precedent were wanted for the assumption by the Emperor

English and Scotch students here even in the eighteenth century. The English and Scotch Nations continued to exist till 1738. According to Itter, *De honor. s. gradibus acad.* p. 1541, Padua, as early as 1409, was liberal enough to bestow its Medical Doctorate upon a Jew!

[1] See above, vol. I. p. 10.

[2] The letter printed as one from Magister P. 'Neapolitani studii doctoribus universis,' and ascribed to Petrus Blesensis in Migne, T. CCVII. c. 468 is no doubt by Petrus de Vineis.

of an ecumenical jurisdiction in matters scholastic, it was supplied by Frederick I's celebrated authentic *Habita*[1]. The Bull of foundation[2] was issued in 1224, just on the eve of the outbreak of the great struggle with the revived Lombard league: and Frederick's Neapolitan and Sicilian subjects were forbidden henceforth to resort to any other School. If Frederick's hostility to the North-Italian cities was in a measure the inspiring motive of the foundation, the war in which that hostility culminated was the cause of its failure. By 1239 a 'reformation,' which probably meant practically a new beginning of the Studium, had become necessary[3].

CHAP. VI, § 5.

'Reformation,' 1239.

All Faculties were nominally included in the new University: but it appears that Theology was (as usual in Italy) taught only by Friars, and that no promotions in Theology took place by virtue of the Imperial Bull[4]. We have already noticed the attempt of Conrad IV in 1253 to transfer the Studium altogether to Salerno: but it is very doubtful whether there was by this time any Studium left to transfer. Denifle thinks that the Neapolitan Studium did not outlive its Founder[5], though during its short spell of life no less a man than S. Thomas was numbered among its scholars[6]. The Studium was a purely artificial creation, not the

Second failure.

[1] Denifle, I. 454.

[2] The documents are printed in Huillard-Bréholles, II. 450: Origlia, I. 77. Cf. Ryccardus de S. Germano ap. Pertz, *SS.* XIX. p 344.

[3] See the documents in Huillard-Bréholles, IV. 497 (an invitation addressed to the Bolognese students), V. 493 *sq.*: Origlia, I. 94 *sq.* Origlia (I. 43), by ascribing to Frederick's original foundation documents which belong to this Reformation, traces back the origin of the University to a still earlier period.

[4] When the Dominicans left Naples in consequence of the King's dispute with the Pope in 1234, the University applied for a Theological teacher to the Benedictines of Monte Casino. Origlia, I. 102. But in 1332 John XXII authorises the extraordinary graduation of a Friar in Theology 'non obstante quod forsan in eodem studio magistri promoveri non consueverunt in facultate iam dicta.' Bull ap. Denifle, I. 460. The first notice of a secular D.D. occurs in 1451. Origlia, I. 248.

[5] Denifle, I. 457. Conrad orders that the 'studium quod *regebatur* apud Neapolim, regatur in Salerno.' Orlando, *Un codice di legge e diplomi Siciliani.* Palermo, 1857, p. 58.

[6] *A. SS.* Mar. 7 T. I. p. 660. He afterwards taught Theology here. Origlia, I. 144.

CHAP. VI, § 5.

Second Reformation, 1258–9.

outcome of any spontaneous or genuine educational movement. Its third lease of life dates from the 'reformation' by King Manfred in 1258–9[1]. It was not, however, till the accession of Charles of Anjou in 1266, when a real reform was carried out with the support and encouragement of Clement IV[2], that the University began to enjoy even a really continuous existence and a modest prosperity. Naples, long the only University in Southern Italy, became the University town of a part of Europe which, after the decline of the Medical School at Salerno, played but little part in the intellectual movements of the Middle Age. The position and climate of the crowded city must have made it, during a great part of the year, an unsuitable residence for students from any more Northern region.

Organization: dependence on Crown.

The University of Naples was the creation of despotism and was habitually treated as such[3]. There is no parallel in medieval history for such an absolute subjection of a University, in the minutest as well as the most important matters, to the Royal authority. It was placed under the immediate superintendence of the Royal Chancellor till the time of Ferdinand II (1497), when the King's Grand Chaplain became Governor of the University[4]. In the causes of scholars the jurisdiction belonged to a Royal official appointed for the purpose, the *Justiciarius Scholarium*; but in civil cases the Imperial privilege of trial by the scholar's own Master or by the Archbishop was respected, and in criminal cases the Justice was assisted by three Assessors chosen by the scholars—one by the Ultramontani, one by the Italians, the third by the Neapolitan subjects or *Regnicolæ*[5]. Whatever corporate life was possible to a University placed in this humiliating position belonged to the Professors and

[1] See the documents in Origlia I. 104 *sq.*

[2] Origlia, I. 131 *sq.*, Giudice, I. 250. Cf. the Bull of Clement IV, sometimes wrongly ascribed to Gregory X (see Denifle, I. 459), printed in Martène and Durand, *Ampliss. Collect.* II. 1274. The term *universale studium* is here used for *studium generale*.

[3] The only code of Statutes printed by Origlia is contained in the Royal Edict of Charles I in 1278, Origlia, I. p. 219 (cf. I. pp. 81, 221).

[4] Origlia, I. 287.

[5] Document of 1266. Giudice, I. 255, Origlia, I. 81–3, 193 *sq.*

scholars together[1], as at Montpellier and other Universities intermediate between the Bologna and the Parisian types. We do not, however, hear of an election of Rector or Rectors till the fourteenth century[2]. The promotions were carried out under the superintendence of the Grand Chancellor after examination by the Doctors in the presence of the Royal Court, the Doctoral diploma or Licence running in the King's name[3]. On one occasion, indeed, Royal interference was carried to the unprecedented pitch of ordering a re-examination of the whole staff of Regents, when those who failed to satisfy the Examiners were summarily deprived both of degree and salary[4]. The University was in fact even more completely a mere department of State than the modern University of France. But a certain measure of freedom was essential to healthy University life: Naples may possibly have been in its later days a not inefficient educational institution, but it has no place in the history of medieval thought[5].

[1] As in other Italian *Studia* the Doctors of each Faculty also formed separate Colleges, at least from the time of Joanna II who granted them charters (Origlia, I. 222 *sq.*). The Colleges of Doctors were confined to Neapolitan subjects and monopolised the right of Promotion.

[2] In the document of 1291 printed by Origlia (I. 201), he appears to have misunderstood the expression *ad regendum* as an allusion to the Rectorship. He speaks of allusions to a Rector earlier in the fourteenth century, but the first that appears in his documents is in 1338, when the *Rectores studii* are mentioned (p. 182). It is not, however, quite certain that these were elective Rectors in the usual sense, and where we hear of 'puncta danda per Vicecancellarios Rectoris studii,' the word 'Rector' must mean the King's Grand Chancellor, if indeed the text is not corrupt.

[3] Origlia, I. 119 *sq.*, 216 *sq.*, 232 *sq.* In Medicine the candidate disputed with each Regent Doctor who sent his *depositio* to the Chancellor; afterwards he was again examined by the King's physicians. 'Et tum examinabitur idem baccalarius per Curiam nostram per Phisicos nostros qui depositionem suam referent eidem Cancellario,' *l. c.* p. 220.

[4] Savigny, cap. xxi. § 121.

[5] As a note of the progress of the Greek Renaissance, it is perhaps worth noticing the appointment of Lascaris as Rhetor and Professor of Greek, as early as 1405, by Ferdinand I (Origlia, I. 263), but it does not appear what was his connexion with the University.

§ 6. VERCELLI (1228).

CHAP. VI. § 6.

VALLAURI, *Storia delle Università degli studi del Piemonte.* Torino, 1845, I. 17 *sq.*: SAULI, *Condizione degli Studi nella Monarchia di Savoia* in *Memorie della r. Academia delle Scienze di Torino*, Ser. II. T. VI. Torino, 1844: MANDELLI, *Il Comune di Vercelli nel Medio Evo.* Vercelli, 1857-8, T. III. pp. 1–50: BAGGIOLINI, *Lo Studio Generale di Vercelli nel Medio Evo.* Vercelli, 1888: BALLIANO, *Della Università degli studi di Vercelli*, Vercelli, 1868. COGO, *Intorno al trasferimento d. Univ. d. Padova a Vercelli*, Padova, 1892. Mandelli is the most important source for documents.

Migration from Padua. 1228.

In dealing with the University of Padua[1] we have already had occasion to examine the provisions of the contract under which a Studium Generale was established at Vercelli by an immense body of students from that University in 1228[2]. The testimony of Jordan of Saxony shows that a considerable body of students with a regular University organization was actually at Vercelli in the following year[3]: and, even after the expiration of the eight years for which the contract was made, it is clear that, though the bulk of the students had no doubt returned to Padua, some sort of Studium still maintained a rather intermittent existence in the place, though it was probably a Studium to which nothing but the 'consuetudo'

[1] See above. p. 12 *sq.* A document in Mandelli (III. 10) shows that a Doctor of Theology was afterwards added to the staff, but this of course does not show that graduation in Theology ever took place here. It is observable that before 1228 (perhaps 1205-8) the Commune had ordered the Podestà 'dare operam ad habendum studium scholarum' (*leg.* scholarium). Mandelli, III. 14 Cf. Balliano, p. 37.

[2] There is no reason to believe that the Cathedral School at Vercelli was ever anything more than a Cathedral School, but the following is worthy of reproduction from its intrinsic interest: 'Volentes præterea statum hospitalis Scotorum reformare in melius... præcipimus quod minister domum emat vel faciat, secundum quod per venerabilem patrem Ugonem Vercell. episcopum de consensu Capituli est statutum, in qua comuniter recipiantur pauperes clerici et alii indigentes et de hiis quæ superfuerint annuatim, salva in omnibus provisione Scotorum et Hibernorum et aliorum pauperum, ad quorum receptionem idem hospitale specialiter noscitur institutum, misericorditer sustententur.' Stat. of Cardinal Guala for the Cathedral of Vercelli (1224), ap. Mandelli, III. 13.

[3] He speaks of the Theutonici, the Provinciales, and the Lombards. (*Lettres*, p. 102). One of his Biographers, in speaking of the visit, treats the Studium as a thing of the past: 'nam tunc studium ibi erat.' *A. SS.* Feb. 13, T. II. p. 735. (According to one reading. Cf. Denifle, I. p. 293, n. 282.)

established during the years of the Paduan secession could have given any claim to the dignity of a Studium Generale. About the year 1237, or soon after, the Emperor Frederick II sent a Doctor of Civil Law 'to teach your scholars and others who should come from all parts[1],' which seems to suggest that practically there was no longer any regular Law-teaching in the City. This Doctor seems to have attracted Students: since at the beginning of 1238 the Pope threatens the citizens with the dissolution of their Studium[2]. An allusion to a Studium sufficiently important to attract a Spanish dignitary to the place, and to warrant his getting leave of absence for the purpose, occurs in 1244[3]. There are sparse allusions to Salaria of Professors of Law up to 1340[4]. The Town Statutes of 1341 declare that there is and ought for ever to be a Studium Generale in Vercelli, and make provision for four Civilians, two Decretists, and one Doctor of Medicine[5]: but there are no traces of the Studium after the middle of the fourteenth century, and the newly founded Turin took its place as the University of Piedmont at the beginning of the next century.

CHAP. VI, § 7.

Traces of subsequent existence.

Extinction.

§ 7. THE UNIVERSITY OF THE ROMAN COURT (1244–5).

CARAFA, *De Gymnasio Romano.* Romæ, 1751. RENAZZI, *Storia dell' Università degli Studj di Roma.* Roma, 1803. Renazzi supersedes Carafa (who did not distinguish the Studium Curiæ from the Studium Urbis), and has the fullest collection of documents.

Alone among the Universities of the medieval or of the modern world the University of the Court of Rome was migratory, like the ancient Law-courts of our own and

A migratory University.

[1] 'Pro edocendis vestris Scholaribus et aliis undique venturis'; Martène and Durand, *Ampliss. Coll.* II. cc. 1141, 1142: Baggiolini, p. 139.

[2] Denifle, I. 292, 293.

[3] There is a Bull of Innocent IV (*Reg.* ed. Berger, No. 529) in 1244 which recites that 'M. Velasci, magister scolarum Astoricensis, nobis exposuit quod, cum ipse olim apud Vercellas insisteret scolasticis disciplinis,' was persuaded to enter the Order of Preachers when drunk. For traces of the later existence of the Studium, see Mandelli, III. p. 24 *sq.*, Baggiolini, p. 103 *sq.*

[4] Mandelli, III. 43.

[5] Mandelli, III. 41.

CHAP. VI, § 7.

other countries, and followed the person of the Supreme Pontiffs when they left Rome for their more agreeable Italian residences or for a permanent retreat to Avignon. Thus, after the foundation of a University for the City of Rome in 1303, there were during the presence of the Curia, two distinct Universities in the same place, and during the sojourn at Avignon the Studium Curiæ was no less distinct from the flourishing University of that town.

Foundation and purpose.

The University of the Court of Rome was founded by Innocent IV in 1244 or 1245[1]. It was primarily a University for Civil and Canon Law, but there was also a Theological Faculty, and in the fifteenth century we hear also of degrees being given in Philosophy and Medicine[2]. The Doctors in the Theological Faculty were as a rule members of Religious Orders, mostly Dominicans. A nucleus for the new University was found in an earlier project of Honorius III who had founded the Mastership of the Sacred Palace, an office always held by a Dominican Doctor of Theology, who was to give lectures to the idle courtiers of the Papal Palace[3]. The more extensive scheme of Innocent IV was likewise intended to find useful employment for the crowds of benefice-hunting ecclesiastics, who, as the Bull observes, 'flocked from all parts of the world to the Apostolic See as unto a mother[4].' It is particularly worthy of notice that the Civil Law

[1] Renazzi, I. 30 *sq.* (but not in full): Denifle, I. p. 302, supplies the preamble. Notice that the purpose of this Bull in declaring the Studium to be 'general' seems to be primarily to enable its beneficed students to avail themselves of the privilege of dispensation from residence: 'ut studentes in scolis ipsis . . . talibus privilegiis omnino, libertatibus, et immunitatibus sint muniti, quibus gaudent studentes in scolis, ubi generale regitur studium, percipientes integre proventus suos ecclesiasticos sicut alii.'

[2] Renazzi, I. 51, 255.

[3] Carafa, I. 135. There is a history of this office by Catalanus (*De Magistro Sacri Palatii Apostolici*, Romæ, 1751). It was held at different times by Albert the Great and Thomas Aquinas. At a later time the Master was required, besides lecturing, to exercise a censorship on sermons to be preached in the Pope's chapel, and generally to act as a sort of guardian of the orthodoxy of the Papal household and as consulting Theologian to the Pope. He was especially to lecture on Theology to the loungers and attendant clergy waiting for the Cardinals at Consistories. Renazzi, I. 24, 44-5.

[4] Renazzi, I. 28.

received especial encouragement in a School which was the absolute creature of the Holy See, Priests habitually receiving dispensations to enable them to study it in spite of the prohibition of Honorius III—a sufficient refutation of the idea that the Supreme Pontiffs were systematically hostile to that study. Even Honorius III was no enemy to the Civil Law as such, though anxious to promote the study of Theology and Canon Law by the Priesthood and the Religious Orders. But the study of Civil Law soon became essential to the study of Canon Law; and the Popes themselves were usually lawyers rather than Theologians.

Constitution.

It is hardly necessary to say that in this Studium the democratic Student-universities never established themselves; it was governed (subject to the supreme authority of the Pope) by the College of Doctors. The Cardinal Camerlengo was Chancellor, and presided over the promotions which were carried out in the regular way after examination by the Doctors of the Faculty in the presence of the Chancellor[1].

Papal Dispensations and Papal degrees.

This may be a convenient place to mention that the Pope claimed a right to dispense with the whole or any part of the preliminaries required for the Doctorate in any University, and of demanding the admission of the candidate either immediately or after a certain limited period of residence. This right was very frequently exercised in favour of Friars at Paris and elsewhere; and, as was natural, with peculiar frequency in the Pope's own University, where the degrees were often conferred merely by Bull without any residence or study whatever. In fact the lucrative business conducted in very recent times by certain American Universities, in the Middle Ages had its centre at Rome. The Council of Constance made an ineffectual attempt to reform this abuse[2]. More rarely we find the Pope commissioning some ecclesiastic to confer a degree with the assistance of a certain number

[1] Renazzi, I. 43, 48, 93, 253, &c. Cf. *Stat. Fior.* p. 342.

[2] Renazzi, I. 41; von der Hardt, *Conc. Const.* I. pp. 743, 606. Cf below, App. XVII.

CHAP. VI, § 7. of Doctors of any University [1]. But these Papal degrees of course carried with them the *jus ubique docendi*: even when the degree was not conferred in a University, the graduate possessed (theoretically) rights in all Universities. The degree-giving power possessed at the present day by the Archbishop of Canterbury is of course a relic of this Papal dispensing power; but in the Middle Ages, with all the abuses connected with degrees, a Doctorate which conferred no rights whatever in any University at all would have been scarcely intelligible.

Study of Oriental Languages.

The University of the Roman Curia was one of the five Universities at which the Council of Vienne in 1312 directed that Professors of the Greek, Arabic, Chaldee, and Hebrew languages should be maintained [2]. Under the eye of the Pontiff who had presided at the Council, the decree was put into execution at least to a greater extent than was perhaps the case in some of the other Universities mentioned. At all events, the Professors were appointed and drew their salaries, which is as much as could at times have been said for certain University Professors of Oriental languages at more recent periods [3]. But the association of the Studium with Paris, Bologna, Oxford, and Salamanca on this occasion corresponds rather to the position which the Popes desired their School to occupy in Italy than to the position which it actually held. As it will not again be necessary to say much more about this somewhat celebrated episode in the history of the Universities, it may be well to add that the objects of the measure were purely missionary and ecclesiastical, not scientific. The new studies were to promote the conversion of Jews and Turks in the East, not to promote learning or the better understanding of the Hebrew Scriptures in the West [4].

[1] Renazzi, I. 257. The object is here said to be to avoid the expenses involved in taking a degree in a University.

[2] Some MSS. omit Greek. *Chartul. Univ. Paris.* T. II. No. 695.

[3] Renazzi, I. 49; Denifle, I. 307.

[4] There are traces of the teaching of Hebrew at Paris up to 1430 and in this year the faculty of Arts (or at least the French Nation) assented to the supplication of 'professores quidam Græci, Hebræi et Chaldæi' for a 'stipendium.' Bulæus, V. 393. Cf.

§ 8. SIENA (1246, 1357).

CHAP. VI, § 8.

There are short notices of the University in GIGLI, *Diario Sanese* (Lucca, 1723), II. pp. 101, 349. DE ANGELIS, *Discorso storico sull'Università di Siena*, Siena, 1810 (I have not seen the edition of 1840) is of no value. CARPELLINI, *Sulla origine nazionale e popolare delle Università di studj di Italia, e particolarmente della Università di Siena* (Siena, 1861) is an only slightly more substantial brochure. MORIANI, *Notizie sulla Università di Siena* (Siena, 1873) gives slight sketches of its history. BANCHI has published a most interesting series of documents dealing with the migration of 1321-1322 in *Giornale Storico degli Archivi Toscani*, vol. V (1861), pp. 237 *sq.*, 309 *sq.* But the most important authority is DENIFLE (I pp. 429-452), whose work is here based upon his own researches in the archives of Siena. Since Denifle two slight pamphlets have appeared, COLOMBINI, *Cenni storici sulla Università di Siena* (Siena, 1891), and ZDEKAUER, *Sulle origini d. Studio Senese* (Siena, 1893).

Migration from Bologna, 1246.

The first notice of any kind of School in Siena occurs in 1241, when we meet with a 'Professor of Grammar' and a 'Master in the Art of Medicine'[1]. In 1246, when Frederick II attempted to prevent students from going to Bologna, Siena took the opportunity afforded by the dissensions in which the great University City was involved to hire a Doctor of Civil Law and proclaim the opening of a Studium by the accustomed method of sending messengers to the neighbouring towns with an announcement of the lectures[2]. In the following year there were a considerable number of Doctors in the place. In 1252 Innocent IV granted the 'University of Masters and Doctors regent at Siena and of their scholars studying in the same' together with their Bedels an exemption from certain city taxes, and appointed the Bishop as their Conservator[3].

It is probable that at this time the Studium would have called itself and been generally recognised as a Studium Generale in the loose and untechnical sense which was then given to the word, and it seems on the whole entitled

Chartul. Univ. Paris. T. II. Nos. 777, 786, 857. See also Ch. Jourdain's dissertations in *Excursions hist. et phil. à travers le Moyen Age*, pp. 233-245. In England we find the Canterbury Convocation in 1320 directing a tax of a farthing in the pound upon all benefices in the Province for the support of a converted Jew who is alleged to have been teaching at Oxford. Wilkins, *Concilia*, II. 499.

[1] Doc. ap. Denifle, I. p. 429.

[2] *Ib.* pp. 429, 430.

[3] Reg. Vat. quoted by Denifle, *l. c.*

CHAP. IV, § 8.

Disputed claim to be Studium Generale.

to be placed alongside of Reggio and Vercelli as one of the spontaneously developed Universities of the thirteenth century. There is no reason why it should forfeit this honorary position because it was not permanently able to assert its privilege or to re-establish its position at a later date without making a fresh start and obtaining a Papal brief. By 1275 the Bologna immigrants had evidently long since returned, and we find the city adopting a resolution 'upon the having, bringing back, and founding a Studium Generale at Siena[1].' This combination of terms clearly evidences the fact that in the view of the citizens the place had once been a Studium Generale[2]: with equal clearness it shows that *de facto* no such Studium Generale now existed. But by this time it was becoming less easy than it had been for a University to obtain recognition as a Studium Generale by mere prescription. When a new Italian Studium had succeeded in making itself 'general' by merely claiming to be so, it had usually been because a body of seceders from Bologna had brought with them something of the fame and prestige of the great Studium Generale *par excellence*. The resolution of 1275 evidently shows that it was imagined that it lay in the City's power to create a Studium Generale without invoking the assistance of Pope or King. The necessity of a foundation-bull was at this time not sufficiently recognised to prevent the attempt being made; but it was becoming too well-established for the attempt to succeed. A few notices of salaried teachers continue to occur, but there was no real Studium Generale again till 1321. In that year the City once more opened her gates to a body of malcontent scholars from Bologna, where a dispute had arisen with the

Bologna Migrations in 1321 and 1338.

[1] 'Super habendo, reducendo et fundando generali studio literarum in civitate Senensi.' Documents ap. Denifle, I. p. 431.

[2] It is on this ground that I venture to date Siena from 1246, in spite of the authority of Denifle, who dates it from the Imperial Bull of 1357. See the criticisms of Kaufmann, *Gesch. d. Deutsch. Univ.* I. 376: *Deutsch. Zeit. f. Geschichtswissenschaft*, I. 127. Really such Universities occupy a debatable ground between the Studia Generalia ex consuetudine and the Universities founded by Bull.

town, which (among other outrages upon student-liberties) had executed a scholar for rape. The bulk of the fugitives had temporarily taken refuge in the little town of Imola, and there the envoys of Siena succeeded by liberal offers of salaries in attracting to their City a considerable contingent of the Dispersion[1]. But a reconciliation took place before the close of the year[2], and it was not till the next great Bologna exodus of 1338 (when Pisa and Arezzo obtained their foundation-bulls) that Siena once more leapt for a moment into the position of a *de facto* Studium Generale. CHAP. VI, § 8.

But by this time the necessity of a bull of erection for a permanent University was established beyond all possibility of doubt. The ancient but somewhat dubious and obsolete pretensions of Siena to the character of a Studium Generale were no longer likely to meet with respect. If the Studium was to be permanent, if it was to venture to confer degrees, and if these degrees were to be worth anything, such a Bull must be procured. Serious efforts were made to obtain the needful document from the Pope on the occasion of this Bolognese migration; but the attempt failed and the bulk of the Masters and scholars no doubt returned to Bologna. After some further failures to obtain the privileges of a Studium Generale, the City at last in 1357 turned in despair to the Emperor Charles IV, from whom it obtained a Bull which, after declaring that the Studium had once been flourishing but had now sunk into obscurity, proceeds to confer upon it *de novo* the 'privileges of a Studium Generale[3].' In 1408 a fresh grant of privileges Imperial Bull of 1357.

[1] See the accounts and resolutions of the Council in Banchi, *l. c.* p. 309 *sq.* In May 1321 the City had to borrow no less than 'summam quatuor millium florenorum de auro, pro expediendis et adimplendis promissionibus per sindicos comunis Senarum rectoribus Universitatis scolarium et ipsis scolaribus.' Banchi, p. 315.

[2] Ghirardacci, II. pp. 17, 38. In July, 1322, however, Dinus gives a receipt for his salary at Siena at the rate of 100 florins per annum. Banchi, p. 329.

[3] The whole tone both of the Bull and of the City, in so far as we can judge from the extracts in Denifle (I. p. 447), negative the supposition that any one whatever *now* supposed Siena to be capable of becoming a Studium Generale without a Bull. A confirmation of the Imperial privileges was granted by Sigismund in 1433. Denifle, I. p. 452.

CHAP. VI, § 8.

was obtained from Pope Gregory XII [1], and it was at this time that the Studium for the first time entered upon a period of permanent vitality. A little before (1404) a College for thirty poor scholars had been founded by the City, on the basis of an older 'casa della misericordia,' known henceforward as the 'domus sapientie' or 'Sapienza,' which was to live according to the rules of the famous Spanish College at Bologna [2].

Sapienza.

A Civic University.

The most remarkable feature of this University throughout its history is the closeness of its dependence upon the town [3]. The attempt of the City in 1275 to erect a Studium by a distinct executive or legislative act represents the first attempt of the kind in the history of the Italian City-republics [4]; and it remains the only instance (except the early secessions from Bologna) in which the attempt was made without any effort or apparent intention to apply for a Bull of erection. Writers eager to gain historical support for the theory of the State's educational omnipotence have insisted much on the case of Siena as proving that the medieval conception of a Studium Generale was simply a Studium authorized by a Sovereign or independent Municipality. If such was the theory to which the statesmen of Siena attempted to give expression, the attempt conspicuously failed. Siena was never acknowledged as a Studium Generale except during the brief periods during which she welcomed fugitives from Bologna. Many other Italian Universities were, as completely as Siena, the creations of the free City government, but they never attempted to dispense with the formality of the Papal or Imperial Bull.

[1] A number of Bulls were granted, one of which, in appointing the Bishop 'Cancellarius studii,' expressly recognises the Bishop's existing authority under the Imperial foundation. Denifle, I. p. 450.

[2] Denifle, I. p. 451.

[3] It recognised, however, in the amplest way, the Rectorial jurisdiction, extending it even to Cives. Town-statutes of 1338 ap. Denifle, I. 448.

[4] Putting aside cases where the City merely negotiated with a Secession from some other University.

§ 9. PIACENZA (1248).

Some notices and documents occur in CAMPI, *Hist. Univers. delle cose eccles. come seculari di Piacenza* (Piacenza, 1651), II. p. 187 *sq.* &c. There are scattered notices in *Memorie per la Storia Letteraria di Piacenza.* Piacenza, 1789. See also *Annales Placentini* ap. Muratori, *Rer. Ital. SS.* XX. cc. 932–941.

Conversion of Town Schools into Studia Generalia by Bull.

So far the Universities which we have considered have been either of spontaneous growth like the great parent University of Bologna, from which most of them may be considered as colonies or outgrowths, or artificial creations of Pope or Emperor. We now come to a fresh type of University—in Italy by far the most numerous—the class in which a Town-school, supported by the Municipality, obtained the privilege of a *Studium Generale* by Papal or Imperial Bull. The idea of applying for such a Bull was no doubt suggested by the precedents of Toulouse, Naples, and the Curia. , Schools of Law and Arts and often Schools of Medicine existed—not always continuously, but intermittently—in nearly every important City-republic in Northern Italy. Originally, as has been seen, these Schools were the private adventure of some Doctor who established himself in the Town, and supported himself by the fees of his scholars. But even in the second quarter of the thirteenth century the system of state-paid *salaria* began to supersede the voluntary system: and this by itself tended to give a formal and public character to these City schools. The Municipalities made contracts with the Professor for one, two, or more years. The presence of an eminent lawyer was of value to the town apart from his educational work: and in some of the contracts it was stipulated that the Doctor should give legal advice to the government when required as well as instruction to its future magistrates and lawyers. The Doctor would of course as a rule have graduated at Bologna or at least at one of those daughter-schools of Bologna at which the Bologna method of graduation had spontaneously established itself; but after the middle of the century the prestige attending these

CHAP. VI. § 9.

'promotions'—the mysterious glamour which has ever since that date hung about the process of taking a 'degree'—was such that these paid Professors did not venture to conduct the ceremony of graduation on their own responsibility. Their pupils in the Town-schools might learn Law, but could not become teachers, or assume in public and professional life the position which was everywhere accorded to the properly accredited Doctor of Law. So long as a School laboured under these disadvantages, it was not likely to attract students from distant cities, when it was just as easy to go to Bologna or to Padua. Hence the eagerness for those Bulls which, since the assumption of the prerogative of creation by Innocent IV and Frederick II, were recognised as elevating a School at one bound from a Studium Particulare into a Studium Generale with all the substantial privileges and the vague prestige which had gradually become associated with the latter appellation.

The first Italian City to apply for such a Bull was Piacenza. The great Jurist Placentinus, best known as the traditional founder of the Law-school at Montpellier, was born at Piacenza and taught there in his old age: and there are some other traces of Law-teaching in the place from the end of the twelfth century. But the Studium had no pretensions to being general until a Bull was granted by Innocent IV in 1248[1], conferring upon the Masters and scholars all the privileges of Paris and other Studia Generalia, and bestowing the 'right of promotion' upon the Bishop. Little, however, came of the new departure. There is an occasional notice of a Doctor of Law or Medicine teaching at Piacenza[2], but there is no evidence of the existence of a *de facto* Studium Generale till the year 1398, when Gian Galeazzo Visconti issued a fresh charter of erection, which he claimed to do by virtue of the Imperial power delegated to him as Vicar of the Empire[3]. At this time

Nominal foundation in 1248.

Refounded by Gian Galeazzo Visconti.

[1] The Bull is printed in Campi, II. 399.

[2] These are collected by Denifle, I. pp. 567, 568.

[3] Gian Galeazzo claims to confer the privilege of Paris, *Padua*, *Bologna* (notice the order), Oxford, Orleans, Montpellier, Pavia, Perugia, 'de nostræ plenitudine potestatis a Cæsarea dignitate nobis et nostris successoribus

the necessary steps were taken for giving effect to the Charter, and the University of Pavia was formally suppressed in favour of the new foundation[1]. Piacenza was intended to be the University Town of the great North-Italian State which the tyrant of Milan and Pavia was building up. Many reasons can be easily suggested for unwillingness on the part of such a ruler to have a University in either of his capitals: and in Italy *new* Universities generally succeeded best in the less populous and prosperous cities, where empty houses were abundant and rents low.

Efforts of Gian Galeazzo.

For a short time we find the usual Italian organization—a University of Artists and Medical Students combined and a University of Jurists with their respective Rectors[2]—established in Piacenza. Distinguished Professors were salaried. Between 1398 and 1402 no less than seventy-two salaried Professors (not all simultaneously) are found lecturing in the University—among them Baldus, the most famous Jurist of the day[3]. And here we may observe that we have now reached the period at which the progress of Humanism may be faintly traced in the altered characters of the academic *curriculum*. Among Gian Galeazzo's Professors were not only Professors of Theology, Law (including the Notarial Art[4]), Medicine, Philosophy, and Grammar, but of Astrology, Rhetoric, Dante, and Seneca. Yet in spite of this lavish expenditure, the project failed. The attempt to establish a University by pure state-action when there was no natural flow of students to a Town, and when the Town was too small to furnish a substantial nucleus by itself, was by no means always successful. The Studium had practically, it would seem,

attributa.' Campi, III. p. 307. The claim is obviously a usurpation, but the form in which it is made testifies to the general acceptance of the power of creating Universities as one of the Imperial prerogatives. Denifle (I. p. 570) considers that the document must have been issued before 1399, the date given by Campi.

[1] Gatti, p. 138, but see below, p. 54.

[2] 'In præsentia DD. Rectorum, et cæterorum Doctorum hujus alius studii.' Campi, II. 190. It would appear that the Rectors were here Doctors. Cf. *l. c.* p. 195.

[3] Muratori, *Rer. It. SS.* XX. cc. 939, 940.

[4] As in most Italian Universities.

CHAP. VI, § 10.

collapsed a decade before the year 1412, when it was wisely determined to make the larger Pavia the University of the Milanese, and the subjects of the Duchy were forbidden to study elsewhere. But, though not a single lecture was given, the Doctoral Colleges of Piacenza still went on exercising their University privileges and in fact conducted a profitable traffic in cheap degrees—an abuse of which the Pavians naturally complained, but apparently without effect[1].

Transference to Pavia, 1414.

§ 10. ROME (*Studium Urbis*), 1303.

For authorities, see above, § 7.

Foundation.

Quite distinct from the University of the Curia, though by many writers confounded with it, was the University of the City of Rome, founded by Boniface VIII in 1303[2]. It was a University for all Faculties, though practically Law and Arts were most prominent. In the course of the great Schism and the political commotions of that period it was altogether extinguished; Eugenius IV is considered its second founder (1431)[3]. Under his sanction it was endowed by the Roman Municipality with the proceeds of a wine-tax, and was placed under a board of *Reformatores* or *Curatores*. But at no period of the Middle Ages was this University of much importance from an educational point of view.

The organization of the Studium more nearly followed

[1] The Envoy of Pavia sent in 1471 to the Duke urges 'Privilegium Innocentii IV eis concessum datum fuit docentibus, et sic qui actu docent; cum Privilegium dicat *docentibus* et scholaribus...; sed hodie non docet, cum non sit Studium generale literarum.' Muratori, *Rer. Ital. SS.* XX. c. 931. A *Collegium Jurisconsultorum* and a *Collegium DD. Artium et Medicinæ Doctorum* seem, however, to have maintained their ground. Their Statutes are printed in *Statuta Varia Civitatis Placentiæ* (Parmæ, 1860, pp. 467, 559). Those of the College of Medicine (though in their present form of the sixteenth century) still contain provisions for graduation, which are absent in the Jurist Statutes of 1435.

[2] The Bull is printed in Renazzi, I. 258. There is another Bull of John XXII which requires promotions to be made with the consent of the Cardinal Vicar. Renazzi, I. 266.

[3] See the Bull in Renazzi, I. 274. An attempt at restoration by Innocent VII failed. Carafa, I. 167 *sq.*

the democratic Italian pattern than was possible in the University of the Sacred Palace. There was a Universitas and a Rector or Rectors[1], elected by Doctors and scholars combined, who had jurisdiction in civil and minor criminal cases. In all cases except homicide the scholar had the option of being tried by his own Master according to the privilege of Frederick I or by the Cardinal Vicar: to whom also belonged jurisdiction in cases of homicide committed by clerks. When committed by lay scholars these cases were tried by the Senator[2]. Till the time of Eugenius IV the salaried Professors were elected on the petition of the scholars by a body described as the 'Rectores et Syndici Romane Fraternitatis,' whom Renazzi supposes to be representatives of the clergy of the Roman City[3].

Constitution.

Eventually in the time of Leo X the *Studium sacri Palatii* seems to have been merged in the *Studium urbis*, and the one Roman University established in a building since generally known as the *Sapienza*[4]. At this time many distinguished men were Professors in the Roman University, so much so indeed, that we are told that the teachers were more numerous than the scholars[5].

United with Studium Curiæ.

[1] The Bull of Boniface VIII speaks of *Rectores*, but we never hear of more than one Rector.

[2] Renazzi, I. 275.

[3] *Ib.* I. 66–7, 261. But the elections were subject to Papal interference, *l. c.* pp. 67, 263.

[4] *Ib.* I. 55-6. An apparently quite distinct building was the *Sapienza* or *Collegium pauperum scolarium sapientie Firmane* founded by Cardinal Dominicus de Capranica, Bishop of Fermo, in 1455. Catalanus, *De Eccl. Firmana ejusque Episcopis*, pp. 254–255.

[5] Leo X declares in 1513 that 'adeo scolarium copia defecit, ut quandoque plures sint qui legant, quam qui audiant.' Denifle, I. 315.

§ 11. PERUGIA (1308).

CHAP. VI, § 11.

BINI, *Memorie istoriche della Perugina Università degli studj* (Perugia, 1816), is practically superseded by PADELLETTI, *Contributo alla storia dello studio di Perugia nei secoli 14 e 15* (Bologna, 1872), which is an edition of the Statutes of 1457, with an historical introduction, and by the unusually full and interesting series of documents published by ROSSI (*Documenti per la storia dell' Università di Perugia*) in the *Giornale di erudizione artistica*, vols. IV–VI (Perugia, 1875–77: also printed separately) and Ser. ii. vol. II. 1883. The series, however, unfortunately stops at the year 1389. I am indebted for the loan of this rare work to Professor Holland.

Foundation.

Throughout the thirteenth century we find a succession of Professors hired by the Commune of Perugia to teach Law to the sons of its citizens: and in 1276 *nuntii* were despatched in the accustomed manner to announce the opening of the lectures in the neighbouring Cities also[1]. By the end of the century the School had obtained considerable repute, and this is one of the few cases in which we have positive evidence of the existence of *Universitates Scholarium* before the erection of the School into a *Studium Generale*[2]. The foundation-bull was obtained from Clement V in 1308[3], and it is significant of the usual connexion in Italy between a *Studium Generale* and *Universitates Scholarium* that the year before, as a preliminary to obtaining the Bull, the City formally recognised these Universities and bestowed upon their Rectors 'the same office and jurisdiction which Rectors have in Studia Generalia[4].' The Doctors were elected periodically by the City authorities in conjunction with the Rectors. At first of course these Professors were

[1] Rossi, Secolo xiii. Nos. 1–4. (All subsequent references to Rossi are to Sec. xiv).

[2] From documents of 1304 (Rossi, Nos. 1, 2) it appears that steps had already been taken with a view to the establishment of a Studium Generale: in *Brevi Annali della Città di Perugia* (*Archivio Storico Italiano*, XVI. pt. 1, p. 59) *sub an.* 1301 we find 'In questo millesimo cominciò in Perugia lo studio generale.'

[3] Denifle, p. 538 *note*: Rossi (No. 4) and others wrongly give 1307. This Bull simply decrees 'ut in Ciuitate predicta sit generale studium illudque ibidem perpetuis futuris temporibus uigeat in qualibet facultate,' without expressly conferring the 'facultas ubique docendi.'

[4] Rossi, No. 3.

persons who had already graduated at Bologna or some other 'famous Studium': and at this transition-period in the development of the medieval ideas about *studia generalia* it was not, it would appear, considered that the mere recognition of the School as a Studium Generale carried with it 'the right of promotion[1].' If that were so, the only practical benefit which the City had gained by its Papal Bull was that terms kept at Perugia could be counted towards graduation at another University, and that its beneficed students might obtain leave of absence from their Bishops. In 1318, however, the City succeeded in obtaining a fresh Bull from John XXII authorizing the promotion of Doctors in the legal Faculties, and in 1321 (when Perugia benefited by the great exodus from Bologna[2]) the privilege was extended to Medicine and Arts[3].

Fresh Bull in 1318.

Medicine and Arts.

In 1362 Nicolas Capocci, Cardinal Bishop of Tusculum, founded a *Collegium Gregorianum* (afterwards known as the *Sapienza Vecchia*) for forty scholars, of whom six were to study Theology[4]. This led to an application for the privileges of a Studium Generale in this Faculty also. The case of Perugia illustrates with great clearness what had been the position of theological studies in Italy before the erection of academic Faculties of Theology in the fourteenth century, and how far—

Collegium Gregorianum and the study of Theology.

[1] On Nov. 25, 1317 the subject was brought before a meeting of the Priores Artium and the Camerarii Artium: 'Cum aliquis sit qui offert dominis prioribus artium et comuni perusii se procuraturum privilegia studii et conventus comuni perusii a domino papa pro mille florenis de auro,' &c. (Rossi, No. 27). The Bull was granted on Aug. 1, 1318 (*ib.* No. 28). The Bull contains the unusual limitation that no one was to be admitted D.C.L. after less than six years' study or Doctor of Decrees after less than five, or without having 'read' two books of the Civil or Canon Law respectively as a Bachelor.

[2] Ghirardacci, II. 5; above, vol. I. p. 173.

[3] Rossi, No. 33. The dispensation from residence even without the licence of Bishop or Chapter was conferred in the same year. (No. 36.)

[4] Rossi, No. 101. The Cardinal gives as a reason for this last provision that 'diebus istis pauci clerici scolares reperiuntur qui sint docti in sacra pagina sciantque populo proponere verbum dei.' For he goes on to remark, 'Quod aduocationis officium maxime in partibus Italie danpnationis (*sic*) est anime,' and consequently forbids the study of the Civil Law to more than six; the rest were to study Canon Law.

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that is to say, how little—their position was changed by these Papal Bulls. We find here that the students of the new College were by the Founder's statutes to attend the lectures of the Mendicants. At Perugia, as everywhere else in Italy, Theology had been abandoned to the Mendicants. Here and there a few secular scholars might be admitted to their lectures. The erection of a Studium Generale in Theology merely gave these students—and also the Mendicant teachers themselves—the opportunity of gaining the honours of the Doctorate in their own Schools.

Jacobus de Belviso.

Soon after the foundation of its University, in 1316, the citizens of Perugia were fortunate enough to secure the services of Jacobus de Belviso, one of the most famous Civilians of his age. The University was thus at once placed (so far as the distinction of a teacher could place it) on a level with Bologna and Padua, though the City did not succeed either by threats or bribes in preventing his being enticed away to Bologna. After five years' teaching, the fame which the University acquired was permanent. Though its students do not appear to have been at any time very numerous [1], the most famous Jurists of the fourteenth century at one time or other taught at Perugia. The Canonist Johannes Andreas, Bartolus the most famous of the later medieval Civilians, his pupil Baldus, and Gentilis, the founder of the Science of International Law, are only the most famous of the distinguished teachers who were attracted to the place by the exceptional liberality, energy, and discernment of the Perugian Municipality [2], by whom the whole or most of the salaried chairs were expressly confined to non-Perugian Doctors.

[1] The Matricula of 1339 contains 12 Doctors, 119 Scholars in Law, and 23 in Medicine. Rossi, No. 64.

[2] The records contain a series, probably unique in its completeness, of receipts for salaries and other documents relating to the conductiones of Professors. Sometimes we find Doctors nominated or elected by the Students, but the appointment was normally vested in five *Sapientes Studii* (who were apparently students) under the general control of the *Priores Artium*.

In 1355 the City obtained an Imperial Bull of erection in addition to the Papal charter which it had long possessed. This unusual step was apparently taken as a kind of advertisement for the University, which had suffered a temporary depletion in consequence of a recent outburst of the plague [1]. CHAP. VI, § 12. Imperial Bull of 1355.

The Statutes are derived from those of Bologna [2] as regards the orders and titles of successive paragraphs, but by the time of the extant edition (1457) they have suffered so much revision that the matter reproduced *verbatim* from Bologna is but a small proportion of the whole. The chief constitutional difference is that at Perugia not only are Ultramontani and Citramontani now merged in a single University, but the students of Medicine and Arts are likewise included in the same University and placed under the same Rector [3]. The Ultramontane Nations are France, Germany, and Catalonia; the Citramontane Rome, Tuscany, the March, and the Kingdom of Sicily [4]. The Rector's jurisdiction here extends to minor, but not to serious, criminal cases [5]. Statutes and Constitution.

§ 12. TREVISO (1318).

VERCI, *Storia della Marca Trivigiana e Veronese* (Venezia, 1786), prints the town-statutes relating to the Studium. These and some other documents relating to the hiring of Professors are now printed in MARCHESAN, *L'Università di Treviso* (Treviso, 1892), a history in which a very few facts are spun out into a book of 314 pages, exclusive of documents.

In 1263, four years after the downfall of the Ezzelino tyranny, the City of Treviso resolved on the re-establishment of a Studium, from which we may infer the existence of Schools at an earlier period. The resolution was carried out, but on a very small scale; since only one Doctor of Law Foundation.

[1] Rossi, No. 96.

[2] The resemblance to the earlier Bologna Statutes is much closer than to the printed Statutes of 1432.

[3] In 1389 the Doctors of Medicine were allowed to form a Collegium (Rossi, No. 241), but with the proviso that they were not to prevent others from practising in the place.

[4] Padelletti, pp. 64, 65.

[5] 'Levia autem volumus delicta intelligi, ubicumque arma non intervenerint.' Padelletti, p. 61.

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CHAP. VI, § 13.

and one of Medicine were hired[1]. In 1314, however, steps were taken for the establishment of a Studium Generale, and no less than twelve Professors were elected; but some of the Professors whose services the City sought to attract would not accept the salaries offered; and the University had to open with a much smaller and inferior staff to what had been contemplated[2]. It was at first proposed to apply to the Pope for a Bull; but as a matter of fact the foundation-bull was obtained in 1318 from the Imperial claimant, Frederick of Austria (the rival of Louis of Bavaria) to whom Treviso at that time adhered[3]. But the University always remained insignificant. It is, indeed, doubtful whether it even survived the year of its formal erection. At all events the Venetian conquest of Padua, and the edict of 1407 forbidding Venetian subjects to study anywhere else, must have put an end to a Studium Generale (had such existed) in Treviso, which had formed part of the Venetian territory since 1339.

§ 13. PISA (1343).

FABRUCCI, four Dissertations in Calogerà, *Raccolta d' Opusculi scientifici e filologici*. Venezia, 1728–57, vols. XXII, XXIII, XXV, XXIX. FLAMINIO DAL BORGO, *Dissertazione epistolare sull' origine della Università di Pisa*, Pisa, 1765. FABRONI, *Historia Academiæ Pisanæ*, Pisis, 1791. The last is the most important and prints the Statutes.

The early School of Law.

The School of Pisa dates from at least the end of the twelfth century[4]. In the thirteenth century its fame was sufficient to attract students from Marseilles[5]; but it did not obtain the privileges of a Studium Generale till 1343, when a Bull was granted by Clement VI, conferring the privileges of 'Bologna, Paris, and other famous Studia

[1] Verci, II. 107, 108. Cf. a document of 1271; *ib.* II. Doc. p. 135: Marchesan, pp. 317–319. There was some considerable number of students here in 1271.

[2] Verci, VII. Doc. pp. 39, 46, 70, 71, 135, 142. Tacoli, *Mem. Stor. d. Reggio*, III. 226: Marchesan, pp. 319–343.

[3] Verci, VIII. Doc. pp. 147, 155: Marchesan, p. 343. Cf. Denifle, pp. 466, 467.

[4] A 'Nuntius Pisanorum Scholarium' is mentioned in a doc. of 1194. Fabroni, I. p. 401, Pisis. The expression suggests the existence of a *Universitas*.

[5] Fabroni, I. p. 15.

Generalia[1].' The application for this Bull was suggested by a great immigration of students from Bologna, which took place in consequence of the interdict laid on that City by Benedict XII in 1338[2]. The City was no doubt further influenced by rivalry with its enemy Florence, where attempts were being made to found a University. A scheme was proposed, hitherto unusual in Italy though common in Spain, for saddling the expenses of the Studium upon the ecclesiastical revenues of the diocese[3]. It would, indeed, have been wiser had the Church allowed its revenues to be systematically applied to educational purposes instead of encouraging individual students to study in the Universities while holding benefices (often with cure of souls) the duties of which they were unable to perform. The application was, however, refused by Benedict XII, but at a much later period we find Sixtus IV consenting to 5000 ducats being raised by a tax upon the clergy for the support of the Studium[4].

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Bologna migration in 1338.

Foundation.

For a short time after 1338 the Bologna colony kept the Schools of Pisa full. Even before the foundation-bull was granted, the twin Universities of *Ultramontani* and *Citramontani* reproduced themselves in Pisa, even if they did not exist before the migration[5]. Two of the most eminent Jurists of the century, Bartolus and Baldus, taught

Decline.

[1] Fabroni, I. pp. 404-6. A Bull allowing beneficed clergy to obtain leave of absence to study at Pisa was conferred at the same time. *Ib.* pp. 406-8. The Foundation was confirmed by Urban V, in 1364 (Denifle, I. 320). It should be observed that Bartolus speaks of lecturing 'in Generali Pisano Studio' in 1340, after the Bologna migration, but before the grant of the Bull. Fabroni, I. p. 49. From a diploma of 1438 it appears that the 'licences' were then conferred 'Apostolica et Imperiali auctoritate' (Fabroni, I. p. 62): but the way in which the opening of the Studium in 1343 is described (cf. also *ib.* I. 403) makes it very improbable that Pisa could have had an Imperial Charter before the Papal Bull, if such a document ever existed. The phrase is possibly a mere piece of Ghibelline sentiment. From Fabrucci, *Raccolta*, &c. T. XXV. x. it would appear that the formula was used in his day.

[2] Fabroni, I. p. 48. Cf. above, p. 9, *n.* 3.

[3] *Ib.* p. 46.

[4] *Ib.* p. 481.

[5] A *Rector Citramontanus* is mentioned in the year 1340. Fabroni, I. p. 60. From Fabroni, I. p. 93, however, it would appear that there were two Rectors, one of the Jurists, the other of the Medicals and Artists.

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here for short periods. But a combination of misfortunes destroyed the prosperity of the Studium a few years after its foundation. War, famine, and, above all, the Black Death of 1348, dealt a blow from which it did not recover till the following century. At times the Schools seem to have been altogether suspended[1]. The existence of the University again becomes traceable as the City began to recover from the effects of the Florentine conquest of 1406. Its second birth, however, dates from the year 1472, when the restoration of the University was undertaken by Florence. Pisa had to accept academic prestige as a substitute for departed glory and decaying commerce.

Revived by Florence in 1472.

In 1472 the Florentine University was dissolved[2]: Pisa assumed the position of the University Town of the conquering State, and soon became one of the leading Universities in Italy, second perhaps to none but Padua. It was no doubt the policy of Florence, as of Venice in its relations to Padua, to keep up the population of its subject Town in a way which would be politically harmless. A very ample jurisdiction was allowed to the Rector, extending to all civil cases and all criminal cases short of theft or homicide[3].

§ 14. FLORENCE. (1349.)

The most important authority is GHERARDI, *Statuti della università e studio Fiorentino* (with a 'discorso' by C. MORELLI), Firenze, 1881—a magnificent edition. There are two articles by RONDARI (*Ordinamenti e vicende principali dell' antico studio Fiorentino*) in *Archivio Stor. Ital.*, Ser. IV. p. 14, 1884. PREZZINER, *Storia del pubblico studio e delle società scientifiche e letterarie di Firenze* (Firenze, 1810), deals chiefly with the careers of the Professors.

The reader will probably learn with some surprise the late origin and comparatively small prosperity of the Uni-

[1] Fabrucci, *Raccolta*, &c. T. XXV. p. xi *sq.*

[2] See the Decree, Fabroni, I. p. 409.

[3] Fabroni, I. p. 442. It should be observed that thrice in the course of the fifteenth century the University was temporarily transferred, thrice on account of plague—in 1479 to Pistoja, in 1482 and 1486 to Prato—and again to Prato in consequence of the revolt from Florence in 1495. Fabroni, I. p. 86 *sq.*

versity of a City which occupies so high a place in the history of Italian culture as Florence. While in most of the chief Towns of North Italy we find Law-teachers salaried by the Commune throughout the thirteenth century, at Florence we find no trace of salaried Professors even in Grammar, Arts, and Medicine before 1320. In the following year, when Bologna was under interdict in consequence of the Revolution under Taddeo Pepoli, an attempt was made to establish a Law-school and to obtain the privileges of a Studium Generale. The main body of the seceders from Bologna had established themselves at Imola. Thither in the accustomed Italian manner envoys were despatched by Florence to bribe away the discontented Professors and their scholars with liberal offers of salaries, privileges, and full respect for the Rectorial jurisdiction [1]. Unfortunately the envoys of the Republic arrived too late. The most distinguished Professors had already entered into a contract with Siena, and the bulk of the students followed them thither [2]. Other Professors were secured and Law-lectures established at Florence; but no further steps were taken for another generation to procure a Papal Bull [3]. The Studium Generale was not actually established till 1349, when the idea was revived, partly no doubt by jealousy of Pisa, and partly (as was alleged) by a desire to repair the deficiency of population due to the great plague of the preceding year. Clement VI granted the customary Bull for all Faculties [4]. But the same ill-luck which had attended the Republic at Imola in 1322 seems to have pursued all its subsequent efforts to make Florence a leading University. Neither pains nor money were spared. An annual sum of 2500 florins was set aside for the expenses of the Studium [5]. Conservators were appointed, and distin-

Attempts to secure Bologna seceders in 1321.

Foundation of University.

[1] *Statuti*, pp. 107-111.

[2] See above, p. 29.

[3] Denifle, I. 554-9.

[4] *Statuti*, p. 116: Matteo Villani, *Chron.* I. cap. 8 (ed. Moutier, Firenze, 1825, I. p. 15). Soon after the foundation of the Studium we learn that the salaries were suspended on account of the expense to the Commune, but they were resumed in 1357, Villani, *Chron.* VII. 90 (III. p. 325).

[5] *Statuti*, p. 113.

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guished Professors were at times secured, but they would not stay. At one time Perugia robbed it of Baldus[1]; at another Bologna enticed away Angelus of Perugia, even before the completion of the two years during which he was bound by oath to lecture at Florence[2]. Her own illustrious citizen Petrarch resisted all the importunities by which Florence tried to entice him away from his canonry at Padua[3]. Like other Republics, too, Florence imitated the bad example set by the despot Frederick II, and forbade its citizens to study elsewhere than in their own University[4]. Like Siena, Florence also obtained a Privilege from Charles IV in 1364[5], and in 1429 a 'domus sapientiæ' for poor scholars was established[6]. Soon afterwards Martin V sanctioned a tax on ecclesiastical property for the benefit of the Studium[7]. All these measures failed of more than a very moderate degree of success. The University never attained the position among the Studia of Europe which the rank of Florencé among Italian cities might have been expected to secure for it. After the middle of the fifteenth century the Law School seems to have died out altogether[8]. For many years together only a few Grammar Masters received salaries from the Republic. At length in 1472, under the guidance of Lorenzo dei Medici, the experiment was abandoned, and the separate existence of the University merged in that of the more successful and prosperous Pisa, which was now placed under the government of a board of Florentine officials[9]. The resolution of the Signory suggests at least one reason[10] for the failure

Superseded by Pisa, 1472.

[1] *Statuti*, p. 302.
[2] *Ib.* p. 356 *sq.*
[3] *Ib.* pp. 283, 285, 306, 309.
[4] *Ib.* p. 115.
[5] *Ib.* p. 139.
[6] *Ib.* pp. 210, 215, 221 *sq.*
[7] *Ib.* p. 218.
[8] *Ib.* p. 260 *sq.* There are only one or two isolated elections of Law Professors after 1450.
[9] Fabroni, I. pp. 411, 440. We also hear of a Florentine *Provisor*, *ib* p. 78. In 1350 Florence had appointed for its own Studium: 'Octo prudentes viros cives florentinos, populares et guelfos.' *Statuti*, p. 123.
[10] Fabroni, I. p. 409: *Statuti*, p. 273. It also remarks that the delights and attractions of the city proved unfavourable to study. This would be likely to be especially the case with the sons of Florentine citizens.

of the University—the scarcity and dearness of houses. It was the very wealth and commercial prosperity of the City which proved fatal to the Studium. Of course such a consideration would not have prevented students from coming to Florence had its University ever achieved any extraordinary academic prestige. But when hotels were cheap and abundant at Bologna and Padua, what inducement was there to students to desert those ancient and famous schools for a dearer residence in the unhistorical Florentine University? On the other hand at Pisa, as the document goes on to recite, the declining prosperity of the place and the departure of its wealthiest inhabitants, had left an abundance of good houses empty. This is not the only instance in which we find the endowment of the University promoted as a means of resuscitating a decaying City.

The University and the Renaissance.

In the old, traditional, professional studies of the mediæval world the University of Florence occupied but a secondary position. The plan of this work prevents us from dwelling upon the place of Florence in the history of the Renaissance. It must suffice to record the bare facts that its University was the first to establish a Chair of Poetry with the especial object of providing lectures upon Dante, and that the first occupant of that Chair was the illustrious Boccaccio (1373–4)[1]. Florence was also the first University in Europe to provide a Professorship of Greek. In 1360 Leontius Pilatus lectured in Florence upon Homer[2], and in 1396 Manuel Chrysoloras was elected to a Chair of Greek at a salary of 100 or (according to one document) 150 florins, soon afterwards raised to 250 florins, a sum far exceeding any salary then paid to a Doctor of Law or Medicine in the same University[3]. In 1404 we seem to trace a sort of anticipatory breath of the Savonarola spirit in the election of the preacher and Humanist John Dominic of Florence to a lecture on the Epistles of S. Paul. It is

[1] *Statuti*, pp. 161, 345.

[2] Prezziner, p. 16; but there is no trace of any regular appointment to a salary in the documents.

[3] *Statuti*, pp. 365, 370. Cf. p. 376.

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probable that this Friar was no mere scholastic *Biblicus*, but one who would have sought to interpret the real thought of S. Paul to his generation. It is not surprising, therefore, to learn that his superiors prevented his accepting the offer[1]. Many other names of great eminence in the history of Humanism occur among the Professors of the Medicean period, but the University as such played a smaller part in the humanistic movement than might naturally have been expected. Universities, at least in Italy, were above all things places of professional study, and their Professors were long the enemies of Humanism. The connexion of some of its representatives with the University of Florence was thus little more than an accident of its history, and just at the brightest period of Florentine literary history, the University disappeared from Florence altogether.

Increase of State control.

The Statutes of Pisa and Florence[2] supply us with good illustrations of the increasing tendency during the fourteenth and fifteenth centuries to place the Universities more and more completely under the control of State boards of *Reformatores* or *Officiales*. The change was indeed a corollary of the system of State-paid *Salaria*. The autonomy of the students was originally founded upon the power of the purse. When that power passed to the State, the real control of the Studium passed with it. The Rector, elected by the students from their own body, is still the superior of the Professors: but the Professors are now more and more relieved from their humiliating dependence on the students by the subjection of both to the State authorities. At Bologna, as we have seen, a committee of students watched over the conduct of Professors, and reported to the Rector[3]. At Pisa the Bedels are

[1] *Statuti*, p. 380. Cf. Echard, *SS. Ord. Praed.* I. p. 864.

[2] The Statutes of Florence are largely copied from those of Bologna.

[3] See above, vol. I. p. 199. So as late as 1387 at Florence. *Stat. Fiorent.* p. 34. Yet earlier (1366) we find the Officiales secretly taking evidence from the scholars as to whether the Doctors observe the regulations of the 'Priores et Vexilliferi justitie et Collegia,' *ib.* p. 153.

entrusted with the duty of noting the attendance and punctuality of Professors, and they report not to the Rector but to the *Officiales*[1]. Even where the old system continues, the choice of Professors everywhere passed practically if not theoretically to the State[2]. CHAP. VI, § 14.

Fusion of all Universities into one.

Another constitutional change of great importance may be traced in the Statutes of the fifteenth-century Italian Universities. Originally each Universitas was a perfectly separate and independent guild. At a very early period, however, the four *Universitates* of Jurists at Bologna, Padua, and elsewhere were reduced to two, and these two became practically amalgamated into one Society under the joint headship of two Rectors. We have already noticed the difficulty which was experienced, as Universities multiplied and the number of rich students at each was proportionately diminished, of finding a sufficient number of residents able and willing to take the Rectorship. The fifteenth century Statutes are full of provisions for compelling unwilling candidates to fulfil the office. At Florence, for instance, the Rector-elect is required to give security that he will not leave the town before the expiration of his year of office. In the event of refusal, military force is to be invoked and the recusant committed to prison[3]. It thus becomes easy to understand the tendency to limit the number of Rectors. Consequently we find that the Ultramontane and Citramontane Rectorships have nearly everywhere been fused into one by the end of the fifteenth century, while frequently, as at Pisa and Florence, there is but one Rector of the whole Studium[4]. This change, facilitated no doubt by the increasing subordination of all the Univer-

[1] Fabroni, I. p. 448.

[2] *Stat. Fiorent.* p. 50: 'Quorum omnium Doctorum et magistrorum electionem, pro meliori et maiori Universitatis nostre commodo et honore, in totum decernimus relinquendam et relinquimus in manibus et prudentia . . . dominorum Officialium et Gubernatorum huius almi Studii.' There were, however, still some minor Lectureships left to the students, *ib.* p. 51.

[3] 'Alioquin Rector antiquus manu militari compellat, et aliis quibuscumque remediis, si opus fuerit, carceribus mancipando.' *Stat. Fiorent.* p. 15.

[4] *Stat. Fiorent.* p. 14; Fabroni, I. pp. 93, 440.

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sities to the State, tended to bring the Studia more into conformity with the Parisian pattern. The separate Colleges of Doctors and the separate Universities of students were alike transformed into mere Faculties of a single University.

University Buildings.

Another consequence of the altered relation of the Universities to the State was the erection of magnificent University buildings or the dedication to University purposes of some palace or public building already existing. We have seen how in the earliest days of Bologna the Schools were mere private rooms hired by the Professors and paid for by a *collecta* from his students. For Congregations or great public functions a Convent or Church was borrowed. As the expenses of the Studium came to be more and more transferred from the students to the State, the rent came to be paid by the City governments: but still the buildings were as a rule merely hired. At times more dignified lecture-rooms were obtained by renting rooms in a Convent. This was at one time the case for instance at Ferrara and at Pisa[1]. But at the end of the fifteenth century we find a tendency to establish the University —all Faculties together—in a handsome building. The University had come to be looked upon as a State institution: it was fitting that it should be as well housed as the Municipality itself. Thus at Pisa the Corn-Exchange was turned into a great University building by Lorenzo dei Medici in 1492. And in the course of the following century a similar transformation took place in all the Italian Universities, and to some extent in the Transalpine Universities also. At Pisa the same building accommodated a College or Sapienza for poor students, founded by Lorenzo dei Medici[2].

[1] Fabrucci, *Raccolta*, T. XXI. p. 26. [2] Fabroni, I. pp. 63–8.

§ 15. PAVIA (1361).

GATTI, *Gymnasii Ticinensis historia et vindiciæ a sæc. v usque ad finem xv*, (Mediolani, 1704), the character of which is sufficiently indicated by the title. SANGIORGIO, *Cenni storici sulle due Università di Pavia e di Milano.* Milano, 1831. VOLTA, *Dei Gradi academici conferiti nello 'Studio Generale' di Pavia sotto il dominio Visconteo* in *Archivio Storico Lombardo*, Ser. ii. 1890, p. 517 *sq.* is a valuable article. The *Memorie e documenti per la storia dell' Università di Pavia* (Pavia, 1878, 1877), contain a large collection of mostly very modern documents (with biographies of Professors), but add little to the medieval materials. No Statutes appear to be extant.

Ancient School of Law.

Pavia was famous as a School of Law even before the first dawn of the scholastic reputation of Bologna[1], but all trace of these early Schools is lost before the twelfth century, and there is no continuity between them and the Schools which eventually developed into a University. The revival of a Law-school at Pavia by the *Commune* seems to date from the beginning of the fourteenth century, when Johannes Andreæ includes it with Bologna, Padua, and Perugia, as among the most famous Schools in Italy[2]. Its erection into a Studium Generale (with the privileges of Paris, Bologna, Oxford, Orleans, and Montpellier) was obtained from Charles IV in 1361 by its tyrant Galeazzo Visconti II[3]; and in 1389 a similar Foundation-bull was granted by Boniface IX (which entirely ignores the previous Imperial Bull), and another conferring the privilege of dispensation from residence[4]. There was a University of Medicine and Arts as well as of Law: and Pavia for a time took a respectable place among Italian Studia. We have seen that in 1398 a University was established at

Foundation of University.

[1] See above, vol. I. p. 106 *sq.*

[2] 'Studia Italie facundissimis et clarissimis doctoribus floruerunt, nam hoc Bononiense studium tunc habuit Ja. Butrigarium in legibus . . . etiam alia studia sc. Paduanum, Papien. et Perusinum facundissimis doctoribus claruerunt.' (Ap. Denifle, I p. 577.) Kaufmann (I. p. 387) makes Pavia a Studium Generale at this time (*i.e.* before 1348) with somewhat better reason than in the case of some other of his emendations of Denifle's list: but a flourishing Studium was not necessarily general.

[3] Gatti, p. 129: Sangiorgio, p. 40: *Memorie*, pt. ii. p. 2.

[4] Gatti, p. 139: *Memorie*, pt. ii. pp. 4, 6. As to the project for transferring the Studium to Piacenza in 1398, see above, pp. 36, 37. The Edict is given in Gatti, p. 138, but can hardly have been executed.

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Vicissitudes.

Piacenza, and the University of Pavia formally transferred to that city. The actual effect of this measure was apparently to reduce the University at Pavia to a very low ebb, but not to entirely extinguish it except during part of the years 1400 and 1401, when the Doctors of Pavia seem to have transferred themselves to Piacenza[1]. After the death of Gian Galeazzo in 1402, when the prosperity if not the existence of the University at Piacenza came to an end, a University again becomes traceable at Pavia, but it again sank to a very low ebb in consequence of the political confusion which followed the break-up of Gian Galeazzo's dominions[2]. It had no doubt practically ceased to exist by 1412, when its restoration was undertaken by Filippo Maria Visconti, who in that year succeeded to the Duchy of Milan in addition to his County of Pavia. It is not, however, till about 1421 that the graduations seem to have become numerous or the University to have entered upon a period of permanent prosperity[3]. The edict which Galeazzo Visconti had published in 1361[4], forbidding his subjects to study elsewhere than at Pavia, was renewed. Pavia became the University Town of the Milanese, as Pisa had become the University Town of Florence, and Padua of Venice. But the students of Pavia were by no means exclusively drawn from the immediate neighbourhood. German students still retained the habit of studying in Italy, and Pavia is especially mentioned with the more famous Padua as a University which they frequented[5]. Here, as at Pisa and elsewhere, commercial and political decline contributed, by emptying the good houses of the town, to secure academical success[6].

[1] *Memorie*, pt. i. p. 6 *sq.*: Volta, p. 545. See above, pp. 4, 35.

[2] Denifle (I. p. 581) declares that the University at Pavia ceased to exist in 1404, but the list of Rectors in *Memorie*, pt. i. p. 7, is continued till 1409.

[3] *Memorie*, pt. ii. p. 9 *sq.*: Volta, p. 555 *sq.*

[4] Gatti, p. 134: Sangiorgio, p. 42: *Memorie*, pt. ii. p. 3 (Renewed in 1392. *Ib.* p. 8).

[5] Æn. Sylvius, *Ep.* 40 (*Opp.* Basileæ, 1571, p. 526).

[6] 'Nam ipsa civitas et domus sunt plerumque vacuæ et inhabitatæ, et mercatum de pensionibus domorum habemus pro libito.' Petrus Azario, *Chron.* p. 291, ap. Sangiorgio, p. 41.

§ 16. FERRARA (1391).

BORSETTI, *Historia Ferrariæ Gymnasii*, Ferrariæ, 1735; GUARINI, *Ad Ferr. Gymn. Hist. per Borsettum conscriptam Supplementum, etc.* Bononiae, 1740, 1741. Guarini corrects many of Borsetti's uncritical assumptions. There is an ineffectual *Defensio* by Borsetti (Venetiis, 1742). The Statutes of the University of Arts and Medicine are printed by Borsetti, I. p. 364. EFISIO, *Notizie Storiche sulle Università degli Studi in Ferrara*, Ferrara, 1873, is a very slight affair.

Foundation.

There were Schools in all Faculties except Theology at Ferrara at least from about the middle of the thirteenth century, but the Studium did not become general till 1391. In that year the Marquis Albert of Este took the opportunity offered by a state visit to Boniface IX, as whose Vicar he nominally ruled, on occasion of the Papal Jubilee, to ask for the privileges of a Studium Generale in all Faculties. A Bull was accordingly granted [1] conferring the privileges of Bologna and Paris. The burden of the salaries, however, proved too heavy for the resources of the Town: which three years later petitioned the Marquis to release it from the obligation [2]. Another unsuccessful attempt was made to renew the Studium in 1402 [3]: but the real resurrection of the University does not begin till 1430, when the movement for a restoration of the University originated with the city government. A contract was entered into with the Humanist John de Finotis, then teaching at Bologna, to transfer himself and his pupils to Ferrara [4], and in 1431 the still more famous Guarinus of Verona was hired; and after the more elaborate Reformation of 1442 [5] the University rapidly became a flourishing Studium, though its celebrity was not of the highest

Revival in 1430.

[1] Borsetti, I. p. 18. The story of the earlier foundation or transference of the University of Bologna to Ferrara, accepted by Borsetti, rests upon no authority. See Guarini, I. p. 13. As an illustration of the received notion as to the Imperial prerogative, it is noticeable that Frederick III in person conferred the Doctorate and its insignia upon a student at Ferrara. Borsetti, I. p. 77.

[2] Jacobus de Delayto in Muratori, *Rer. Ital. SS.* XVIII. 909.

[3] *Ib.* p. 973. Denifle, I. 323 *sq.*

[4] Borsetti, I. p. 29 *sq.*

[5] Borsetti, I. 47 *sq.*

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kind. It had the reputation of a place where degrees could be had cheaply. Indeed, by the sixteenth century it had acquired the sobriquet of 'the refuge of the destitute[1].'

Equivocal reputation.

Government.

In 1474 there were no less than twenty-three salaried Professors in the Faculty of Law, and twenty-nine in that of Philosophy and Medicine[2]. A body of Reformatores—appointed partly by the Duke, partly by the Municipality—was entrusted with the general government of the Studium, including that most important function of academical government, the appointment of Professors[3] and the contracts for their salaries. But the constitution closely follows that of Bologna, and the student-ascendancy is fully maintained. The Rectors possess jurisdiction in all civil suits of students, and in minor criminal cases where a scholar was defendant[4]. Among the distinguished Professors of Ferrara in the fifteenth century were the Humanist Agricola and the Theologian Cochlæus[5]: among its most distinguished students the poet Ariosto[6].

§ 17. TURIN (1405).

PINGONIUS, *Augusta Taurinorum*, Taurini, 1577. SAULI, *Sulla condizione degli Studi nella Monarchia di Savoia* in *Memorie della R. Academia delle Scienze di Torino*, Ser. ii. T. VI, (1844), p. 152 *sq.* VALLAURI, *Storia delle Università degli Studi del Piemonte*, Torino, 1845, 1846. *Cenni storici sulla R. Università di Torino*, Roma, 1873. Of these works Vallauri's is the most important. Some documents are printed in *Monumenta Historiæ Patriæ* (Leg. Mun.) T. I, Aug. Taurin., 1838.

Foundation.

The University of Turin was founded in 1405 by Louis of Savoy, Count of Piedmont and Prince of Achaia, with a Bull from Benedict XIII[7]. The Bull recites that the

[1] See above, vol. I. p. 228, n 1.

[2] Borsetti, I. p. 93.

[3] Borsetti, I. pp. 90, 115.

[4] Borsetti, I. p. 406 *sq.* In more serious cases the Rector was to ask that a scholar should be amenable to the jurisdiction of the Duke in person and of him only. The Rector is to aid the defendant in his defence, and a scholar may not be tortured or 'in persona puniri' without his consent.

[5] Borsetti, I. p. 57. The Statutes of the College of Theologians, though placed by Borsetti in the seventeenth century (*l. c.* p. 62), are interesting: it is worthy of note that the College claims precedence for its Dean above the Rectors. Guarini, however, gives the date 1467. (I. 23.)

[6] Borsetti, I. p. 130.

[7] Vallauri, I. 242.

reason of the foundation was the war which was then devastating Lombardy and silencing its Universities—that is to say, the war which followed the partial break-up of the Visconti tyranny upon the death of Gian Galeazzo in 1402. From these troubles Turin was free, and in that City the unemployed Professors of Pavia and Piacenza were glad to take refuge. The University obtained a further charter from the Emperor Sigismund (in which Theology was included) in 1412[1], and another in the following year from John XXIII[2], who had by that time been recognized in Piedmont. CHAP. VI, § 17.

After the death of the Founder in 1418 the University languished[3]. It was restored by Amadeo VIII in 1424[4], but in 1421 it appears to have been *de facto* transferred to Chieri, though it was not till 1427, when all efforts to 'reform' the Studium in Turin had failed[4], that the Duke's formal assent to the change was obtained[5]. At Chieri the University remained till 1434, when the Commune became unable or unwilling to pay the *stipendia* with which they had been saddled by the Duke. Accordingly the Studium was again moved to Savigliano till 1436, when it returned finally to Turin[6]. Upon its return it received a new Charter from the Regent Louis, in the name of the reigning Duke Amadeo VIII, in which it is provided that the Town shall pay an annual grant of 500 florins towards the expenses of the Studium, to be defrayed by a bridge-toll, while the Duke promised 2000 florins to be raised by a salt-tax. The University was placed under

Transference to Chieri in 1421,

and thence to Savigliano, 1434.

Return to Turin.

[1] Vallauri, I. 243.

[2] Vallauri, I. 258.

[3] Sauli, p. 154; Vallauri, I. 52 *sq.* In 1421 the clergy who had been taxed for the support of the Studium petitioned to be released from the burden as a Studium no longer existed at Turin (Vallauri, I. p. 259): while the Commune of Chieri voted salaries. (*Ib.* p. 57.)

[4] Vallauri, I. 251: *Mon. Hist. Pat.* (Leg. Mun.) I. c. 478.

[5] Vallauri, I. 261 *sq.* After much further dispute between the two sities, the Duke in 1429 gave a final decision for Chieri. (*Ib.* p. 269.)

[6] Vallauri, I. pp. 68 *sq.*, 275 *sq.* The move to Savigliano is usually ascribed to the plague having reached Chieri, but Vallauri points out that this was not till 1435, while the migration took place in 1434. A new Bull was granted by Eugenius IV in 1438, and another by Felix V in 1441. *Ib.* pp. 304, 305.

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a body of *Reformatores* named by the Duke. There were to be at least two Canonists, four Doctors of Civil Law, one of Law and Medicine combined, and one of Theology[1]. A Collegio Grassi or Sapienza for poor scholars was founded in 1457[2], and another College by Sixtus IV in 1482[3]. Turin was never during our period one of the leading Italian Universities, but many Jurists of considerable repute taught in it, and its reputation steadily increased during the latter half of the fifteenth century[4].

§ 18. CATANIA (1444).

AMICO, *Catana illustrata*, Pt. ii. Catanæ, 1741, p. 302 *sq.*: CORDARO CLARENZA, *Osservazione sopra la Storia di Catania*, Catania, 1833, p. 202 *sq.*: AMARI, *Sul diritto che ha l' Archiginnasio di Catania di essere reconosciuto Università di prima classe*. Ed. 2, Catania, 1867.

Foundation.

In 1434 a petition was presented to Alfonso the Magnificent, King of Aragon and Sicily, on behalf of the Senate of Catania by the Catanian Jurist Pietro Rizzari, asking for a Studium Generale in his native town. The petition was eventually granted, and in 1444 a Bull for its erection was obtained from Eugenius IV[5]. The Bull is in a rather unusual form. It gives the citizens of Catania power to found a Studium Generale in all Faculties (with the peculiar addition 'and other liberal Arts, as well Greek as Latin'), on the model of Bologna, and confers upon it the privileges belonging to Studia Generalia 'by common law.' The clause relating to Greek letters is probably due to the survival of the Greek rite and language in Sicily and to the attempted fusion of East and West by the recent Council of Florence, rather than to any Renaissance ideas. There is no express grant of the *jus ubique docendi*. The Bull was immediately published with a royal edict actually establishing the Studium. The King

Endowment.

[1] Vallauri I. p. 289 *sq.*
[2] Vallauri, I. p. 318.
[3] Vallauri I. p. 325.
[4] Erasmus took his D.D. here in 1506. Sauli, p. 166.
[5] *Catana illustrata*, p. 304. Cordaro Clarenza and Amico seem disposed to connect the University with the ancient School founded by Charondas and 'illustrated' by Stesichorus!

made a grant of 1500 ducats out of a local tax towards the cost of the Studium; but the main part of the expense was borne by the City, in whom the whole government of the Studium was vested by the Papal Bull[1]. The Bull also speaks of the intention of the Municipality to found a College or Colleges for poor Students. CHAP. VI, § 18.

There seems to be no reason to believe that this last part of the plan was ever carried out. But there can be no doubt that the University came into actual existence, with Rizzari as one of its Professors[2], and its continued life is attested by confirmations of privileges in 1458 and 1494[3]. In 1515 a Royal edict speaks of the 'tenuity of salary, and penury,' and consequent incompetence of the Professors at Catania, and decrees that the Studium shall be 'reformed' and the salaries paid in full, 'as they used to be of old time to capable and sufficient persons, and that lectures shall be read as they used to be[4].' Subsequent history.

Summing up the results of our survey of the Italian Universities, we shall find it possible to point out their characteristics with more definiteness and precision than will be the case with the Universities of any other country. Summary.

(1) If the early-extinguished Arezzo and the wholly eccentric or abnormal Universities of Naples and of the Roman Court are put aside, they are all modelled on a single type. That type is of course the University of Bologna. In Italy alone do we find the University of 'foreign' students in its pure and unqualified form[5]. In most cases the extant Statutes are more or less closely copied

[1] *Catana illustrata*, p. 313 *sq.*

[2] Cordaro Clarenza, III. p. 204.

[3] Amari, p. 16, who refers to Coco, *Leges a Ferdinando latæ* &c. f. x.

[4] *Catana illustrata*, pp. 362, 363. The edict begins with the preamble 'Cum non paucæ pecuniarum summæ a Regno extrahantur, quod Siculi in aliis mundi partibus studiis vacare compellantur,' which no doubt supplied one motive for the multiplication of Universities elsewhere.

[5] Even in the most democratic Spanish Universities the power of the Chancellor constitutes a difference.

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(often to a large extent *verbatim*) from those of Bologna; and, where the Statutes are not preserved, the same indebtedness may safely be inferred.

(2) The second most conspicuous characteristic of this group of Universities is their municipal character. Wherever their origin is distinctly traceable, all except Bologna are found to be due to the initiative of the City or its ruler, whether acting independently or in concert with a body of seceders from Bologna or one of its elder daughters: while, at least from the end of the thirteenth century, the Professors are largely supported by the Municipality, and are increasingly subject to civic control and supervision. Though in later times the policy of the free Cities was often imitated by a tyrant, the Italian University system may be said to be the outgrowth of civic life. The Neapolitan and Roman Universities are of course exceptions, but they form no exception to, and may even have contributed to promote, the close connexion of the Universities in Italy with the State.

(3) The third most important characteristic of the Italian Universities — though this is a less distinctive feature than the two last—is the prominence of legal studies, to which may be added the hardly less important fact that the second place in the University was everywhere occupied by Medicine, to which the study of Arts was completely subordinate, while Theology at first stands altogether apart from University organization, and afterwards enters into but a slight and formal connexion therewith. The Italian Universities were primarily the homes of Law and of Physical Science.

(4) All the three peculiarities above-mentioned were connected with a fourth—the *comparatively* unecclesiastical character of the Italian Universities. Except of course the University of the Court of Rome, they were under no further ecclesiastical control than was implied in the Papal Bull of erection and in the (wholly formal) conferment of the Licence by the Archdeacon or the Bishop. Where (chiefly during their earlier history) we find Papal interference with

their internal affairs, the interference is rather political than strictly ecclesiastical. In his relations with the Italian Universities the Pope acts rather as one of the rival claimants to Italian Sovereignty than as the head of the ecclesiastical order: and here, as in other spheres of Italian life, the prominence of the Papacy in Italy dwarfs the importance of lesser ecclesiastical authorities[1].

In the next chapter I shall proceed to consider the group of Universities which on the whole exhibits the closest approximation to the Italian type—the Universities of the Spanish Peninsula.

[1] What distinctly ecclesiastical interference there is arises from the jurisdiction exercised by the Church over all Guilds and the oaths by which they were constituted.

THE UNIVERSITIES OF SPAIN AND PORTUGAL.

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CHAPTER VII.

THE UNIVERSITIES OF SPAIN AND PORTUGAL.

The account of the Spanish Universities in SCHOTTUS, *Hispaniæ Bibliotheca seu de Academiis ac Bibliothecis* (Francofurti, 1608, I. p. 28 *sq.*), contains very little history; and ZARATE, *De la instrucción pública en España* (Madrid, 1855), is almost equally useless. DE LA FUENTE, *Historia des las universidades, colegios y demas establecimientos de enseñanza en España* (Madrid, 1884-9), contains valuable documents, and forms (with the most important original researches of Denifle) my chief authority for many of the Universities.

§ 1. PALENCIA (1212–1214).

The most important authority is D. RAFAEL DE FLORANES, *Origen de los estudios de Castilla, especialmente los de Valladolid, Palencia y Salamanca,* Año 1793, ap. *Colección de Documentos inéditos para la Historia de España,* T. XX. (Madrid, 1852), to which de la Fuente (I. pp. 76–84) adds nothing. CLODULFO PELEAR ONTIZ, *La Historia de Palencia y la Universidad Palentina* (Palencia, 1881) is a popular sketch.

THE earliest University which can in any sense be said to have been founded at a definite time by an act of sovereign power, is the University of Palencia in Old Castile. The founder was King Alfonso VIII[1] of Castile, and the date 1212–1214. We must, however, be careful not to

[1] 'Rex Adefonsus evocavit magistros theologicos, et aliarum artium liberalium, et Palentiæ scholas constituit procurante reverendissimo et nobilissimo viro Tellione eiusdem civitatis Episcopo.' Lucas Tudensis (†1249) ap. *Hispania Illustrata,* ed. Schottus, T. IV. (Francofurti, 1608), p. 109. 'Sapientes e Gallia et Italia convocavit, ut sapientie disciplina a regno suo nunquam abesset, et magistros omnium facultatum Palentie congregavit, quibus et magna stipendia est largitus' (Rodericus Toletanus, *ib.* T. II. p. 128; text corrected by Denifle, I. p. 474). Tello did not become Bishop till 1212, so that the traditional date, 1200, preserved by an inscription in the University building at Salamanca, is demonstrably false. Cf. Denifle, I. p. 474. The hypothesis of a much earlier origin of the school of Palencia, adopted by Floranes, &c., is founded on a false reading.

CHAP. VII, § 1. exaggerate the difference between the mode in which the University arose at Palencia, and the mode in which the earlier, spontaneously developed Universities came into being. On the one hand there was already an old Episcopal School here of considerable importance, presided over by the Magister Scholarum of the Cathedral. S. Dominic studied both Arts and Theology at Palencia about the year 1184[1]. On the other hand, no formal deed of foundation was issued by Alfonso or procured from the Pope. Alfonso's part in the foundation consisted in the invitation of Masters from more famous Schools, no doubt from Paris and Bologna, to come to Palencia and teach for salaries. Alfonso has, indeed, a better claim to be considered the first founder of endowed Professorships than the first founder of a University; and the credit for the suggestion of this original step is due to his Councillor, Tello, Bishop of Palencia. As yet the idea that a Charter from Pope or King was necessary to originate a University, and the idea that such a Charter could artificially impart some at least of the prestige of a Paris or Bologna Mastership to the graduates of a less distinguished School, were alike undeveloped. Indeed it is not clear that any change took place in the constitution or organization of the old Cathedral School, in consequence of this enlargement of the scope of its instruction. It is probable that the new Masters would introduce the custom of Inception and the institution of a magisterial Guild which had by this time fairly taken root at Paris, if such an institution had not spontaneously developed itself at Palencia; but on this point we have no evidence. We have no evidence, again, as to whether Palencia degrees at this early period actually obtained any sort of ecumenical recognition: but on the whole it is clear that the Studium

[1] 'Missus Palentiam, ut ibi liberalibus informaretur scientiis, quarum studium eo tempore vigebat ibidem; postquam . . . eas, ut sibi videbatur, satis edidicit, relictis iis studiis . . . ad theologiæ studium convolavit.' *Vita auctore B. Jordano, A. SS.* Aug. T. I. p. 542; Echard, *SS. Ord. Prædicatorum*, I. p. 3. Another thirteenth-century life of the Saint says expressly, 'Palentiam, ubi tunc temporis studium generale florebat' (*A. SS.* Aug. T. I. p. 388; Echard, I. p. 26).

erected or designed by Alfonso VIII was meant to embody the vague ideas then expressed by the term Studium Generale[1]. The teaching was teaching of the kind imparted at Paris, Bologna, and Oxford, and it was intended to attract students from all parts.

Revivals and extinctions.

It appears that Masters of Theology, Canon Law, Logic and Grammar[2] actually began teaching at Palencia; and that is the only sense in which the University can be said to date from 1212–1214. For in the last-mentioned year the Founder died: and the execution of his design was suspended till the accession of Ferdinand III. In 1220 that monarch asked and obtained from Honorius III leave to use for the payment of Masters a fourth part of that third of the ecclesiastical property in the diocese which was in Spain assigned to the maintenance of the fabrics[3]. At the same time the Pope solemnly took the Masters and scholars of Palencia under his protection; but nothing that can be properly called a Bull of foundation was issued, nor was any special privilege conferred on Masters licensed at Palencia over and above what would then have been enjoyed by Masters licensed in any other Cathedral-school. The first privilege, as distinct from endowment, conferred upon the Masters was derived not, as was usual in later times, from the Holy See, but from the Synod of Valladolid, which in 1228 enacted that teachers and scholars of Theology at Palencia might claim a dispensation from residence for five years[4].

Extinction, *c.* 1250.

The brief history of the University of Palencia is, like that of so many of the early Italian Studia, a mere succession of extinctions and revivals. It still existed in 1243[5]. By

[1] Denifle calls Palencia the first University in Spain, and groups it among the 'Hochschulen mit kaiserl. oder königl. Stiftbriefen.' In the absence of further evidence than he has produced, this seems to me to require the qualification indicated above.

[2] The Grammarian is styled an *Auctorista*. Doc. ap. Denifle, I. p. 475. Cf. below, p. 138, n. 4.

[3] See *Reg. Hon. III.* ed. Pressuti, No. 3192, and the Bulls cited by Denifle, I. p. 475. The concession was granted for five years and renewed in 1225. Denifle, I. p. 476.

[4] *España Sagrada*, XXXVI. 216.

[5] Rodericus Toletanus, ap. *Hisp. illust.* T. II. p. 128.

CHAP. VII, § 1.

1263 it had disappeared, and a petition was presented to the Pope asking for its revival and the bestowal of the privileges of Paris. A favourable reply was received from Urban IV[1], but it is not known whether any actual steps were taken towards its resuscitation. At all events it had ceased to exist before the end of the century. Two causes contributed to the failure. I shall frequently have occasion to remark that new and artificially created Universities never prospered without endowments of some kind or other, direct or indirect. Palencia was, indeed, endowed with a share in ecclesiastical tithes: but it appears that a tithe-war was raging in Castile at about the time when the University was breathing its last gasp. There can be little doubt that its extinction was in part due to the non-payment of the tithes, in part to the competition of more formidable and more favoured rivals, the Studium Generale of Salamanca, and the privileged though not yet strictly 'general' Studium of Valladolid. At the revival of Palencia in 1220 its second founder Ferdinand III was King of Castile only: but, after the final reunion of the crowns of Castile and Leon in 1230, the King's favour was at least shared by the Leonese University of Salamanca: while Valladolid actually lay in the diocese of Palencia.

Constitution.

As to the constitution of the University which thus expired there is little information to be had: but from the connexion in which it stood to the Cathedral School, from the prominent place of Theology among its studies, and from the fact that its original Masters were brought from France as well as from Italy, we may infer that the constitution of the University, so far as a University in the strict sense developed itself at all[2], would have been at least partially influenced by the Parisian model. In the later

[1] Doc. ap. *Colección*, &c. p. 204; *Chartul. Univ. Paris.* I. pt. i. No. 389. This is, it would appear, the earliest document in which Palencia is expressly called a Studium Generale: 'Erat enim in Palentina civitate, . . . Scientiarum Studium generale,' &c.

[2] The notion that the University of Palencia was transferred to Salamanca is inconsistent with the dates, and seems to have arisen later from a desire to increase the antiquity of the last-mentioned School.

Universities of Spain the constitution may be described as mixed; but on the whole they belong to the Bolognese group rather than to the Parisian.

§ 2. SALAMANCA (*ante* 1230).

The chief source of later accounts is CHACÓN, *Historia de la Universidad de Salamanca* (written in 1569), in the *Semanario Erudito* (ed. Valladares de Sotomayor), T. XVIII. (Madrid, 1788). The *Memoria Histórica de la Universidad de Salamanca*, by VIDAL Y DIAZ (Salamanca, 1869), is a more elaborate history: DAVILA, *Reseña histórica de la Univ. de Salamanca* (Salamanca, 1849), a short semi-official summary. Cf. also MENDO, *De Jure Academico* (Lugd. 1668), Lib. 1. qu. 7, p. 24; GONZALEZ DE ÁVILA, *Teatro ecclesiástico de las igles. d. Castillas*, T. III. (Madrid, 1650), p. 264; DE LA FUENTE, *Hist. eccles. de España*, 2 ed. IV. 232. DONCEL Y ORDAZ, *La Universidad de Salamanca en el tribunal de la historia* (Salamanca, 1858), is a vindication of the University against the reflections of Washington Irving and others as to its treatment of Columbus. MIDDENDORPIUS, *Acad. celebrium libri VIII*, p. 423 *sq.* gives a detailed account of the state of the University at the beginning of the seventeenth century; and some account of its present condition may be found in GRAUX, *L Un. de Salamanque*, in *Notices bibliographiques*, &c. (Paris, 1884), p. 317 *sq.* The most valuable authority is, however, the collection of documents (including the Statutes of 1411) published by DENIFLE (*Urkunden zur Gesch. d. mittelalt. Universitäten*) in the *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, V. (1889), p. 167 *sq.* See also authorities for Palencia, above, p. 65.

The Universities of Spain were essentially Royal creations: and in this respect they stand alone among the Universities founded before the middle of the fourteenth century. In the same sense in which Palencia was founded by Alfonso VIII of Castile, Salamanca was founded by Alfonso IX of Leon, at some date before his death in 1230[1]: but there is no reason to assume that a foundation-charter ever existed. Like the earliest foundation of Palencia, this first attempt to found a University at Salamanca proved abortive. The second founder of the University

Founded by Alfonso IX of Leon, *c.* 1220.

[1] Only Masters of Theology are mentioned. 'Hic salutari consilio evocavit magistros peritissimos in sacris scripturis: et constituit scholas fieri Salmantiæ.' Lucas Tudensis, ap. *Hisp. illust.* T. II. p. 113. De la Fuente (*Universidades*, I. p. 91) gives the date as 'about 1215,' but on no very obvious grounds.

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Re-founded by Ferdinand III, 1242.

was Ferdinand III of Castile, who issued a charter of privilege in 1242[1]. But the prosperity of the University dates only from the accession in 1252 of his son, Alfonso X (the Wise), illustrious alike as astronomer and alchemist, as poet and as lawgiver—a worthy patron for a great University. The most important privileges of Salamanca were derived from the Charter granted by this monarch in 1254[2]. Though Salamanca owed its character as a Studium Generale or at least a Studium of more than local renown to royal liberality, its Schools continued to be constitutionally the Schools of the Cathedral, and remained under the jurisdiction of the Scholasticus or Magister Scholarum[3], who conferred the Licences at night in the nave of the Cathedral[4]. By the Charter of 1254 the power to imprison and (in the last resort) to banish scholars is recognized as belonging to the Bishop and the Magister Scholarum jointly. Through all later changes the ecclesiastical Scholasticus held a more important position at Salamanca and most other Spanish Universities than the Chancellor either at Paris or in Italy. Even since the secularization of the University in 1845 the University retains a Chapel in the old Cathedral, and more vestiges are left of the ancient origin of that and so many other Universities in Chapter-

Charter of Alfonzo X, 1254.

[1] The document (in Spanish) is preserved in the University Chapel of the Cathedral of Salamanca, and is printed by de la Fuente, *Universidades*, I. p. 89. It confirms all privileges conferred by the first Founder, as well as the customs established in his time; hence the propriety of calling it 'der eigentliche Stiftbrief der Universität' (Denifle, I. 480) is questionable. From the words 'tambien en casas como en las otras cosas,' it may be inferred that the privileges related chiefly to the taxation of lodgings, everywhere the earliest subject of University legislation. Quarrels between townsmen and scholars are to be referred to a commission therein named. Though the commission is headed by the Bishop of Salamanca and other dignitaries, there is nothing to show that all the members were ecclesiastics, still less that it was a 'spiritual tribunal' (as Denifle calls it, I. p. 481). Cf. de la Fuente, *l. c.* p. 90.

[2] Printed by de la Fuente, *l.c.* p. 295.

[3] The latter title (in Spanish *Maestrescuela*) appears the usual one in earlier times; but *Scholasticus* is found in the later documents. The office can be traced from the twelfth century. We more rarely find Cancellarius. De la Fuente, *Hist. Eccles.* IV. p. 232; *Universidades*, I. p. 61.

[4] De la Fuente, *Universidades*, I. p. 178.

schools than is the case anywhere else in Europe[1]. The use of the word Claustro for a University Hall or building still testifies to the ancient connexion between the Spanish Universities and the Spanish Cathedrals.* By the Charter of Alfonso X two Conservators—the Dean of Salamanca and another ecclesiastic—were appointed with more than the usual powers: since the taxation of lodgings, elsewhere entrusted to a joint board of scholars and citizens, was here lodged with the Conservators only. It is possible to trace in the somewhat despotic character of this document the influence of Frederick II's Charter for Naples. There is no positive proof that as yet an autonomous University, whether of Masters or scholars, existed at all: though at the least there can be no practical doubt that the former assisted in the Examination for the Licence and conducted the Inceptions. The Masters are expressly forbidden to make a common seal without the Bishop's consent. CHAP. VII, § 2.

In 1255 Alfonso's regulations were confirmed at his request by Alexander IV. The Bull, however, is no true Bull of foundation: it expressly recognizes that the King has already founded a Studium Generale at Salamanca, and does not question his authority to do so, or profess to improve the *status* of the Studium[2]. Bulls of 1255.

In the same year the Pope conferred upon Salamanca (1) the privilege of exemption from corporate excommunication without the special authorization of the Holy See[3]; (2) the right to use a common seal, which had perhaps been refused by the Bishop; (3) the right of scholars to Other privileges.

[1] De la Fuente, *Universidades*, I. p. 86. Martin V made the Scholasticus an elective officer (Chacón, p. 45).

[2] 'Apud Salamantinam civitatem . . . venerabilis fratris nostri . . . episcopi et dilectorum filiorum capituli Salamantinorum accedente consilio et assensu generale studium statuisti, et ut generale studium a doctoribus et docendis in posterum frequentetur, humiliter postulasti a nobis apostolico id munimine roborari.' *Archiv*, V. p. 169.

[3] On July 15. *Archiv*, V. p. 169. It was repeated in Sept. with an addition in favour of officers of the University: 'in universitatem magistrorum vel scolarium seu rectorum vel procuratorum, aut quemquam alium pro facto vel occasione Universitatis' (*Ib.* p. 170). Cf. above, vol. I. p. 314.

CHAP. VII, § 2. get absolution for assaults on clerks from the Master of the Schools; (4) the right of graduates to teach in all Studia Generalia except Paris and Bologna; (5) leave for Priests and beneficed clergy but not regulars to study the Civil Law[1]. The restriction on the *jus ubique docendi* was removed in 1333[2]. It is significant, however, of the origin of the Spanish Universities that in them, probably alone among the Universities of Christendom, degrees continued to be conferred in the name of the King as well as the Pope[3].

The Siete Partidas, 1263.

In the celebrated Code called the Siete Partidas, issued by Alfonso the Wise in 1263, a whole title[4] is devoted to the Universities of the Kingdom. Its provisions may be said to constitute a sort of educational Code—the first of the kind in modern Europe. It is of peculiar interest to the University historian because it contains the first authoritative attempt to define the hitherto vague and indefinite expression *studium generale*. It formally lays it down that Studia are of two kinds—'particular' and 'general.' The former name may be given to any School in which 'a Master in a Town teaches a few scholars.' It may be established by a Prelate or a Town Council[5]. Here we have a mixture of the French and the Italian principles: as indeed in their actual origin the Universities of Spain are developments under Papal or Royal authority some of the Capitular, others of the Civic Schools. In a Studium

[1] *Archiv*, V. pp. 170–172.

[2] The previous Bull, though addressed 'Magistro scolarum Salamantino,' does not expressly entrust the power of conferring the 'licentiam ubique docendi' to any definite person. This technical defect was set right by the Bull of John XXII in 1333, which recites that, in consequence of the omission, 'honori dicti studii multipliciter derogatur' (*Archiv*, V. p. 173), and proceeds to confer the required power without repeating the restriction.

[3] 'Auctoritate Apostolica et Regia qua fungor, confero tibi gradum,' &c. This formula continued in use till 1830, when the conferment of degrees was transferred to the Rector. De la Fuente, *Universidades*, I. p. 190.

[4] Part. II. Tit. xxxi. T. II. ed. Lopez, Madrid, 1843, p. 352 *sq.* The traditions that this code was drawn up by the lawyers of Salamanca, and that the King's celebrated astronomical tables were due to its astronomers, appear to be mere conjectures. We do not hear of a chair of Astrology till the time of Benedict XIII (Pedro de Luna). De la Fuente, I. *l. c.* p. 192.

[5] Tit. xxxi. ley i.

Generale there must be a separate Master for each of the seven Arts, or at least for Grammar, Logic, and Rhetoric, together with at least one Master of Laws and one of Decrees. Such a Studium can only be established by the Pope, the Emperor or the King [1], and the salaries are to be fixed by the latter. The power of the King to create a Studium Generale in the full sense of the word is perhaps something of an innovation. But we must remember that the idea that the degrees of a Studium Generale were necessarily of ecumenical validity is not to be found in the Siete Partidas, and was not yet established in Europe generally. When it was established, the Jurists very reasonably held that the power of a King only extended to the establishment of a Studium Generale *respectu regni*. To obtain a universal validity for the degrees of a University, the Bull of Pope or Emperor or long custom was necessary: and those Spanish Universities which had not obtained the *jus ubique docendi* by Papal or Imperial Bull were not held to have acquired this privilege by custom [2]. CHAP. VII, § 2.

How far the autonomous University organization had established itself before the date of the Siete Partidas it is impossible to say. It is, however, fully recognized in the provisions of Alfonso. We may, therefore, be quite certain that Rectors were elected from this time, if not earlier [3]. The general principle is laid down that 'Colleges and Confederacies of many persons' [4] are illegal. The case of Masters and scholars in a Studium Generale is declared to be an exception. Masters and scholars are recognized as together forming a Universitas, which is to elect a Rector whom they shall all obey. He is required to suppress feuds and quarrels between scholars and townsmen, or among the scholars themselves, and especially to enforce those cardinal but seldom observed rules of medieval The Rectorship.

[1] Tit. xxxi. ll. i, iii.

[2] See above, vol. I. p. 9 *sq.*

[3] The Rectors are first expressly mentioned in 1301. (See below, p. 76.) According to Chacón (p. 18*n.*), *Consiliarii* were introduced for the first time by the Reform carried out by Benedict XIII as legate *circa* 1380.

[4] 'Ayutamiento, e Confadrias de muchos homes.' Tit. xxxi. l. vi.

CHAP. VII, § 2.

University disciplinarians—that scholars should not bear arms or walk abroad at night. He has power to punish offenders: but, if he fails to do so, a scholar is amenable to the King's judges. The last provision applies to criminal cases only. In civil cases the defendant scholar is allowed to appear before the Bishop or his own Master conformably to the Authentic *Habita*, which has also inspired the special protection afforded to scholars travelling to or from their University [1]. At the same time provision is made for the examination of candidates for the Licence in the Bologna fashion [2]. Various privileges and exemptions are also conferred upon the Masters, particularly upon the Masters of Civil Law, who are styled 'Caballeros' and 'Señores de Leyes.' If a Doctor of Civil Law enters a Court of Justice, the Judge is to rise and to invite him to a seat on the bench, and he has constant access to the King's person. After twenty years' Regency, he attains to the rank of a Count [3].

Endowment by Alfonso X.

The endowment of the University was provided for by its Royal patron, though not on a very munificent scale. A sum of 2500 maravedis was annually entrusted to the Conservators for the payment of Professors and the other expenses of the Studium. In the first foundation by Alfonso IX, Theology had (as at Palencia) been a prominent object. But in Spain, as in Southern Europe generally, Law was driving Theology out of fashion. And to the 'Castilian Justinian' the encouragement of legal study was the para-

[1] Tit. xxxi. ll. vii, ii. That in the then state of law and society, such protection was needed is clear from the clause of the last-mentioned law which provides that the messengers coming to the scholars shall not be arrested for the debts of their fathers or other fellow-countrymen. At Salamanca the Scholasticus was probably intended at least to share the power conceded to the Bishop. Cf. Chacón, p. 25 *n*.

[2] 'Decípulo debe anteseer el escolar que quí siere haber honra de maestro: e quando hobiere bien deprendido el saber debe venir ante los mayorales de los estudios que han poder de le otorgar la licencia para esto.' Tit. xxxi. l. ix. The exact relations between the Scholasticus and the Doctors in the examinations are not clear. A characteristic feature of the Spanish Inceptions in later times was a University bull-fight given at the expense of the Inceptor. De la Fuente, *l. c.* I. p. 173 *n*.

[3] Tit. xxxi. l. viii.

[4] De la Fuente, *l. c.* I. p. 295.

mount object. Moreover it was the consistent policy of the Popes to preserve the theological monopoly of Paris. The original staff under Alfonso consisted of one Legist at a salary of 500 maravedis, four Canonists, *i.e.* two Decretalists at 500 maravedis each, one Decretist and a Bachelor at 300 each, two Masters of Logic, one of Grammar, and one of Physic, with only 100 maravedis. Here, as in Italy, the Doctors of Law are treated as a superior class both in point of salary and position: the Doctor of Medicine ranks with the mere M.A. or the still humbler Grammarian. An interesting feature of these provisions is that a Master of the Organ is provided[1]. The University of Salamanca appears to be the first which gave both degrees and practical instruction in Music. A Master of Music was always included among its Professors[2]. We hear nothing of musical degrees at Paris or in Italy, and at Oxford they do not appear till the fifteenth century.

Music degrees.

In the course of time, however, Sancho the Brave became impatient of paying the small endowment settled on the University by his father. By 1298 it appears that the unpaid Professors had struck work: and the Studium was suspended till Ferdinand IV bethought himself of the easier method of endowing the University out of the thirds

Collapse under Sancho IV.

[1] Salaries are provided for music in the Bull of 1313 (de la Fuente, *l. c.* I. p. 313); and two Magistri in Musica appear in the Rotulus Beneficiandorum of 1355 cited by Denifle, I. p. 494. Salamanca produced Bartholomé Ramos de Pareja, who, according to Graux (p. 319), 'passe pour l'inventeur de la musique moderne.'

[2] The chair survived into the present century, its last occupant being 'al celebre Dorjagüe, quizá el mejor compositor de música religiosa en España á principios del presente siglo.' De la Fuente, *l. c.* I. p. 98. Salaries are also assigned to a *Stationarius* and an *Apothecarius* whom Denifle (I. 483 *n.*) explains as 'denjenigen, welcher entweder ein Depôt von Lebensmitteln besitzen oder dafür sorgen musste, dass an den Lebensbedürfnissen für die Studierenden niemals ein Mangel eintrat.' But I see no reason why the word should not have its usual modern and medieval meaning of a purveyor of drugs. An endowed Bachelor of Law is also provided, probably the earliest instance of such an endowment. Bachelor-teaching, which was a merely University exercise in the earlier Universities, became important in new Universities where the staff was smaller. We see the same tendency in the German Universities.

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of ecclesiastical tithes. These thirds had often, with or without the Papal consent, been appropriated by the Kings under pretext of the Holy War against the Saracens; and in 1301 Boniface VIII authorized the plan of Ferdinand IV for three years[1]. The thirds arising from the diocese of Salamanca were to be consigned to a separate chest in the Treasury of the Cathedral, the three keys to be kept one by the Dean, one by the Rectors, and one by the Conservators.

Re-endowed by Ferdinand IV and Boniface VIII with Thirds.

Difficulties.

The third part of the tithes thus appropriated to educational purposes was (as has been said) the third which properly belonged to the fabrics of the Churches. After its withdrawal the Churches naturally began to fall into disrepair: by 1310 the condition of the Cathedral had become alarming. The thirds were consequently withdrawn from the University by Pope Clement V. The usual strike of Professors followed, and the existence of the Studium was virtually suspended till 1313, when the same Pontiff, upon petition of the Bishop, restored one-third of the thirds to the Professors[2]: and a varying share in these impropriated thirds formed the basis of the endowment of the University down to the latest times[3].

Endowment of Theological chairs and 'Reform' by Pedro de Luna.

The fame of medieval Salamanca was almost entirely that of a School of Civil and Canon Law. After the very earliest days of the University we do not hear of a single Doctor of Theology till 1315. In 1380, however, Pedro de Luna came to Castile as an envoy on behalf of the Avignon claimant to the chair of S. Peter. Salamanca and the Castilian kingdom declared for Clement VII: and an alliance now began between the Avignon Papacy and Salamanca which eventually passed into a permanent

[1] See the document in an Inspeximus in *Memorias de D. Fernando IV. de Cast.* T. II. (Madrid, 1860), 267. No mention is here made of the purpose to which the thirds were to be applied.

[2] The bull is printed by de la Fuente, *Unversidades*, I. p. 312. Cf. Denifle I. 490.

[3] The proportion assigned to the University varied from time to time. The successive edicts on the subject are noticed by Chacón. Cf. Vidal y Diaz, p. 27 *sq.*

friendship between the Holy See and the most Ultramontane of Universities. Pedro de Luna undertook as Legate a visitation and 'reformation' of the University, which was completed after his accession to the Papacy as Benedict XIII. A prominent feature of this 'reform' was the establishment of theological chairs, which were endowed by Kings John I and Henry III [1]. CHAP. VII, § 2.

The exclusion of the theological Faculty from Salamanca and other Studia by the earlier Popes, especially the Avignon Popes before the Schism, was due to a desire to maintain the theological monopoly of Paris. The encouragement of the theological Faculty by Benedict XIII and Martin V was no less clearly inspired by antagonism to the Gallican University. From the Conciliar epoch the University of Paris became more and more identified with a Theology antagonistic to Ultramontane claims, and, from the sixteenth century, more and more out of harmony with the prevailing spirit throughout the greater part of Roman Catholic Europe. In Italy itself there was hardly a Faculty of Theology worthy of the name. In the controversies with Gallicans and with Protestants it was to Salamanca, almost alone among the greater Universities of Christendom, that the Popes could look for champions of the pure Ultramontane faith. At the same time it should be mentioned to the credit of Salamanca that her Doctors encouraged the then almost unorthodox designs of Columbus [2], and that the Copernican system found early acceptance in its lecture-rooms [3]. Salamancan Theology.

Beyond what may be inferred from the Siete Partidas, we know nothing of the Salamancan constitution before the date of the Statutes promulgated by Benedict XIII in 1411. These Statutes, however, presuppose an existing code and do not enable us to do more than trace the main outlines of the University constitution. We have already seen that Statutes of 1411: Constitution.

[1] De la Fuente, I. p. 208 *sq.*; Chacón, p. 25 *sq.*; Denifle, I. p. 492; *Archiv*, V. p. 208 *sq.*

[2] De la Fuente, II. p. 26; Vidal y Diaz, p. 55. Doncel y Ordaz, p. 13 *sq.*

[3] Doncel y Ordaz, p. 9; Graux, p. 319.

CHAP. VII, § 2. that constitution approximates to the Bologna rather than to the Parisian model. It is emphatically a Student-university with a student Rector, and a body of *Consiliarii* elected by the various Nations or Dioceses[1]: the Doctors form a College of their own, with a Prior or Primicerius at its head, though it does not appear that they were actually excluded from votes in Congregation as at Bologna[2]. The two other most important modifications of the Bolognese constitution are, (1) the inclusion of all Faculties under a single Rector (the Faculties, with the exception of Theology, do not appear even to have separate Deans of their own)[3]; (2) the extensive powers of the Cathedral Scholasticus, or as he is now called 'Chancellor of the University.' His functions extend considerably beyond the grant of the Licence. He has important judicial powers, being recognized as the *judex ordinarius* of scholars, and his jurisdiction extends both to contracts and to delicts, in addition (it may be presumed) to strictly spiritual causes. Either therefore the jurisdiction conferred by the Siete Partidas upon the Rector must by this time have been withdrawn, or the two jurisdictions must have been concurrent[4]. Besides this the Scholasticus has several functions of a more directly academical character. The appointment of Examiners requires his approval[5]. It is his duty to enforce by ecclesiastical censure the payment of the *salaria* upon the Rector and the official immediately charged with that duty and known as the

[1] The names are not mentioned in 1411. The Statutes of Martin V provide for the election of two Councillors each by four groups of dioceses, which are not expressly called Nations. All lie in the Peninsula (including Portugal), but the group at the head of which stands Burgos includes students 'de regnis Aragonie, Navarre vel alia quacunque natione extranea.' *Archiv*, V. p. 186.

[2] *Archiv*, V. p. 194.

[3] Cf. de la Fuente, I. 274 *sq.* At an earlier period there seems to have been more than one Rector.

[4] *Archiv*, V. p. 196. The Statute only refers to cases where an offending scholar has left the town, but a general jurisdiction is implied *a fortiori*. Royal Conservators are also mentioned (p. 186). The Apostolic Conservators are not named, but the execution of this as well as previous Papal Statutes is entrusted to the Archbishop of Compostella (p. 197).

[5] *Archiv*, V. p. 199.

'Administrator of the University,' and the appointment to vacant chairs by the Rector and *consiliarii*[1]. He is entrusted with one key of the University chest, the remaining four being kept by the Rector, another representative of the Student-university, and two of the senior Doctors of Law[2]. He has moreover a general power of punishing 'transgressions of oaths and constitutions and other crimes' in the University and of holding annually 'general and special' inquisitions for their discovery[3]. In the Salamancan constitution, in short, we see a Bologna Student-university grafted on to an old capitular Studium without destroying, though of course it did in a measure limit, the ancient jurisdiction of the Cathedral Scholasticus[4]. CHAP. VII, § 2.

Salamanca is not perhaps precisely the place where one would look for early precedents for the higher education of women. Yet it was from Salamanca that Isabella the Catholic is said to have summoned Doña Beatrix Galindo[5] to teach her Latin long before the Protestant Elizabeth put herself to school under Ascham. The Renaissance may, indeed, be considered to have begun in Spain long before it began in England, though it never advanced very much beyond a beginning. Lady students.

Salamanca was recognized as one of the great Universities of Europe—as the representative University of Spain—by receiving the *Liber Sextus* of Boniface VIII with a special Bull in 1298[6]. Again in 1311–12 the Council of Vienne placed it among the five Universities at which Receives the *Liber Sextus*, 1298. Recognition by Council of Vienne, 1311.

[1] *Archiv*, V. pp. 189, 193, cf. p. 181. He conferred Bachelor's degrees. Vidal y Diaz, pp. 121. 203.

[2] *Archiv*, V. p. 190.

[3] *Archiv*, V. pp. 195, 196.

[4] At some previous date the University must have obtained exemption from all Episcopal and Archiepiscopal authority; since in the Bull of 1411 (*Archiv*, V. p. 199) its members are described as 'post sedem apostolicam immediate subjecti' to the Scholasticus. The Statutes of Martin V differ only in detail from those of 1411. They give the appointment of Scholasticus to the 'difinitores negotiorum ipsius universitatis,' who presumably succeeded to the single 'administrator' of 1411 (*l. c.*).

[5] Graux, p. 320. The Privileges of a Spanish University — those of Lerida in 1300—are almost the only ones with which I am acquainted, which expressly contemplate married Undergraduates. Villanueva, *Viage Literario*, XVI. p. 203.

[6] Printed by de la Fuente, *Universidades*, I. p. 299.

CHAP. VII, § 2.

Professors of the Oriental languages were to be established, though at the actual date of the Council it was undergoing one of those total eclipses which marked its early history: and we have evidence of the existence of these Oriental lectures as late as the fifteenth century[1]. The numbers do not in the fourteenth century appear to have been very large; though by the sixteenth the University had become one of the largest in Europe. A roll sent to Innocent VI in 1355 contains the names of only ten Masters and Licentiates, eighteen Bachelors, 179 scholars in Law, and 130 in other Faculties[2]. All the names are Spanish with the exception of two which are Portuguese. A large number of these Salamancan rolls survive. It was 'not for nothing,' as Father Denifle remarks, that the University down to the most recent times has displayed the Papal tiara in its arms. An escutcheon bearing Pedro de Luna's arms may still be seen upon the ancient University building which was erected under the auspices of that Pontiff, while an inscription in the 'Claustro' of the University even describes him as the 'founder and prime restorer of Salamanca[3].'

Numbers.

Colleges.

Salamanca was late in acquiring Colleges. The small College of Oviedo was founded by a Bishop of that see in 1386[4]. The earliest and most famous of the 'four greater

[1] At least a 'legens de Ebraica cum aliis duabus linguis sibi ex certo statuto annexis, videlicet Caldea et Arabica' is provided with a salary by the Statutes of 1411. *Archiv*, V. p. 178. Cf. above, p. 28.

[2] In 1602 there were, according to Middendorpius (p. 436), 4000 students at Salamanca, and there had formerly been 7000. The Salamanca Matriculation-book of 1552 shows a total of 6328 persons—one of the most important data which exist for determining the academical population of the medieval universities. De la Fuente, *Universidades*, I. p. 170. The oath to the Rector, in which 'Matriculation' consisted, was renewed annually, *l. c.* In 1641 Salamanca still boasted 3908 students; sixty years later there were 2000; at the beginning of this century 1000; in 1875, 391. Graux, pp. 330, 332. Such has been the fate of the city which, on the strength of its University, aspired to the title of the Eternal City.

[3] 'Academiæ conditor et reparator primarius.' *Archiv*, V. p. 225: De la Fuente, *Universidades*, I. p. 209.

[4] Vidal y Diaz, p. 300. The same writer speaks of a College founded by the Canons of S. Isidro of Leon in 1166, but gives no information as to its nature.

Colleges'—the Colegio Viejo or Colegio Mayor de San Bartolemé, which still possesses a peculiarly rich Library of MSS. and printed books—was founded by Diego de Anaya Maldonado, Archbishop of Seville, in 1401 for ten Canonists and five Theologians. Its constitution was that of the Italian Colleges. It was governed by an annually elected Rector and three Consiliarii; and the Statutes are throughout modelled on the plan of a Student-university [1]. There was also a Hospital of S. Thomas Aquinas for sick scholars founded in the fifteenth century, and supported by the contributions of the charitable [2]. But it was not till the sixteenth century that Colleges began to multiply at Salamanca [3]. Here, however, the Colleges remained faithful to their original design and the old system of Regency was superseded by the Professorial system, not (as at Paris and Oxford) by Collegiate teaching.

SEVILLE.

An interesting episode in the history of the Spanish Universities is the foundation of a Studium Generale at Seville for the study of Latin and

[1] See the Statutes in vol. III of the elaborate *Historia del col. viejo de S. Barthol.* Madrid, 1766-70, by Jos. de Roxas y Contreras. As bearing on the usual age for entering on the higher Faculties, it is noticeable that the minimum age for admission was eighteen (*l. c.* p. 20). The students here enjoyed the luxury of separate bedrooms (p. 21). Cursory lectures were given in College (the term *cursare* is used for *legere cursorie*, p. 24), but for ordinary lectures the students went to the public schools. The disciplinary regulations for this self-governing community of students in the higher Faculties illustrate the fact that the members of Colleges were originally subject to disciplinary regulations as to attendance in Hall or Chapel, hour of entering, &c., not so much because they were *in statu pupillari* as because they were secular clerks living in community. The Statutes confer the privilege of dining in the kitchen instead of the hall in winter (p. 38). Students were to confess twice and communicate once a year (p. 39). A later Statute contains the curious provision that for 'atrox percussio, unde exeat sanguis in rationabili quantitate, ipso facto privetur percussor a Collegio' (p. 42). In the Code of 1490 (which is in Spanish) occurs the provision that the Rector shall not lend the College mule for more than three days without the consent of the *consiliarii* (p. 54).

[2] *Archiv*, V. p. 204.

[3] A curious feature of University life at Salamanca was the presence of four Colleges of the Spanish Military Orders. Vidal y Diaz, p. 125. One of the four 'greater Colleges' is now occupied by the 'College of the Noble Irish.'

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Arabic. The way for such a foundation had been prepared by the missionary efforts of the Dominicans, who from 1250 had assigned certain brethren to study Arabic to qualify themselves for mission-work among the Saracens. Some fifteen years later there were Schools for this purpose in Tunis and Murcia. The site of the earliest Dominican School of Arabic is not known: it may have been Seville. Alfonso the Wise—the second Founder of Salamanca—conceived the design of giving a wider scope to these Arabic studies. Denifle thinks that his motive was in part to facilitate commercial intercourse with the Saracens, but mainly to promote their conversion; and these are certainly the motives expressed in his Charter. But a monarch so devoted to Astronomical and Mathematical studies was probably not uninfluenced by the desire to throw open to the learned of his realm all the wisdom of the Arabians. De la Fuente (I. p. 130) even conjectures that Arabic was actually meant to include 'Astronomy, Medicine, and Physic,' quoting a request of the King to the Archbishop and Chapter of Seville in 1256 to grant a Mosque ('unas mezquitas . . . . para morada de los Físicos que vinieron de allende, é para tenerlos de mas cerca é que ellos fagan la su enseñanza á los que les habemos mandado, que los enseñen con el su gran saber, ca para eso los habemos ende traido'). All that is certain is that in 1254 a Charter of privilege was granted very similar to that conferred on Salamanca, and that in 1260 Alexander IV issued a Bull (for a period of three years), in which the new studium is recognised as a Studium Generale, and dispensation from residence is granted to its students. Both documents are printed in the *Memorial histórico Español* I, (Madrid, 1851), pp. 54, 163. Whether the School ever existed except on paper, even the diligence of Denifle, to whom (I. pp. 495-499) I am indebted for the above facts, has been unable to discover.

§ 3. VALLADOLID.

The most important authority is the dissertation on the *Origen de los estudios de Castilla, especialmente los de Valladolid*, &c. Por D. Rafael de Floranes, ano 1793, ap. *Colección de Documentos inéditos* T. XX. Madrid, 1852. Cf. Sangrador, *Hist. de Valladolid*, T. I. Valladolid, 1851, p. 186 *sq.* The constitution may be gathered from the later *Estatutos de la insigne Universidad de Valladolid*, Valladolid, 1651.

The School of Valladolid dates from at least the middle of the thirteenth century[1]. And it was in very ancient times something more than a merely local church School. A Bishop who died in 1300 is said to have studied at Salamanca and Valladolid as if they were Studia of much

[1] But the Studium could not have been very important earlier than 1228, since a Council at Valladolid in that year provides for the restoration of Palencia.

the same rank[1]. It presumably obtained privileges of some kind from the Crown (though the Charters are not preserved) at an early date: since in 1293 Sancho the Brave, in establishing a Studium Generale[2] at Alcalá, confers upon it the privileges of Valladolid. In 1304 it received an endowment of 20,000 maravedis annually from Ferdinand IV, who expressly styles it an *estudio general*[3], and alludes to the Rector of the Studium. In 1312 it possessed a Doctor of Decrees[4], and a Bedel in 1323[5]. On the whole there can be little doubt that Valladolid was held in Spain to be a Studium Generale by the end of the thirteenth century; and it must certainly have fulfilled all conditions of the definition in the Siete Partidas. But since it did not possess the *jus ubique docendi*, it is in 1346 described by Clement VI (from the Roman point of view) as being hitherto a *studium particulare* and is by him erected into a Studium Generale with full ecumenical validity for its degrees[6]. A fourteenth-century jurist would no doubt have described its position up to this date as being a *studium generale respectu regni*. But, as has been already pointed out, the idea of ecumenical validity did not enter into the earlier conception of a Studium Generale. There is therefore no reason, with Denifle[7], to say that the term 'Studium

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Bull of Clement VI, 1346.

[1] *España Sagrada*, T. XXI. p. 109. To assume (with Floranes, p 70) that because the Siete Partidas speaks of Studia Generalia in the plural, at a time when the Studium of Palencia had vanished, Valladolid and Salamanca must be the Universities referred to, is quite unwarrantable. The provisions of the Siete Partidas are quite general.

[2] 'Estudio de escuelas generales.' Doc. ap. Floranes, p. 75, and de la Fuente, I. p. 100. So far as I have been able to ascertain, no Studium Generale was actually erected at Alcalá at this time. In 1499 a Papal Bull was granted to the College of San Ildefonso, founded there by Ximenes, conferring upon it the privileges of a University, College and University being fused into one according to an entirely new plan. See below, p. 99.

[3] Doc. ap. de la Fuente, I. p. 102.

[4] Doc. ap. Floranes, *Colección*, p. 81.

[5] Floranes, *l. c.* p. 83.

[6] See the Bull (in a confirmation by Clement VII) printed at the end of the *Estatutos* and (partly) by de la Fuente, I. p. 104. It recites that a 'studium, licet particulare, ab antiquo viguit, atque viget,' and proceeds in the ordinary terms to enact 'ut in villa Vallisoletana prædicta, perpetuis futuris temporibus generale Studium vigeat, in qualibet licita, præter quam Theologica, facultate.'

[7] I. p. 377.

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Generale' is used in 'an improper sense when applied to such a Studium as Valladolid.'

Theology.

Clement expressly excludes a Faculty of Theology from the Bull: such a Faculty was first established, no doubt in accordance with the policy of breaking down the theological monopoly of the anti-papal Paris, by Martin V in 1418[1], upon a petition presented by the envoys of the King of Castile and Leon at the Council of Constance. At about the same time the Statutes enacted for Salamanca by Martin V were adopted by the University, which was now endowed with a share in the thirds of a neighbouring district[2].

The Licence.

Valladolid was not in the Middle Ages the see of a Bishop: and the University seems rather to have grown out of a Town-school through the exertions of the Municipality, but with the assistance and sanction of the Crown, than out of a purely ecclesiastical Studium[3]. The licences were, however, conferred by the Abbot of the secular Collegiate Church, till its erection into a Cathedral at the end of the sixteenth century, when the Chancellorship of the University passed to the Bishop. The University was endowed out of the ecclesiastical thirds appropriated by the Crown. The

Colleges.

'greater College of Santa Cruz' was founded by Cardinal Gonzales de Mendoza[4] in 1484 and the Dominican College of S. Gregory, whose magnificent buildings still in part survive, four years later by Alonso de Burgos, a Dominican Bishop of Cordova[5].

Later Constitution.

We are left to infer the earlier constitution of the University from the Code of Statutes approved by the Emperor Charles V. The organization of the University, the system of Examinations, the graduation ceremonies, the time of the

[1] Floranes, *l. c.* p. 105.

[2] Bull of 1417 printed by Denifle, *Archiv*, V. p. 215.

[3] This may perhaps be inferred from the fact that Alfonso XI's decree for the payment of the thirds appropriated by the Crown towards the payment of Professors (in 1323) was directed to the Town Council (de la Fuente, I. p. 103). In 1346 Clement VI issued a Bull, on the King's petition, authorizing this application. Denifle, I. 378.

[4] De la Fuente, II. p. 21.

[5] De la Fuente, II. p. 29.

Lectures and the Vacations are, down almost to the minutest detail, copied from the Bolognese model. The old student-liberties are, indeed, more strictly preserved in these Spanish sixteenth-century Statutes than they were by that time in the majority of the Italian Universities themselves. There are, however, a few departures from the ancient model. The Abbot as Chancellor has become incorporated in the University and takes his position side by side with the Rector in University Congregations. Six of the twelve endowed Professors (*Cathedrarii*) sit in alternate years as *Deputati* with the Rector, Chancellor, and seven *Consiliarii*, to form the executive Council or ordinary governing body of the University. The Rector is to be a Doctor or Licentiate, chosen by lot from among three candidates nominated by the Council; but the Councillors, similarily chosen by a mixture of lot and nomination, were apparently students[1]. Above all, the election to the salaried chairs was entirely in the hands of the students, whereas in Italy the appointment had almost everywhere been formally or virtually transferred to the Prince or the City[2]. Every student of the Faculty had a vote, provided he had heard the trial-lectures of all the candidates. This system of 'Oppositions'[3] or competitive trial-lectures is established here as in many other Spanish and French Universities. One remarkable provision, which seems to be of Spanish origin, may be noticed as a hint to modern University Reformers. After twenty years' service, a Professor was allowed what was known as his 'Jubilee' and was henceforth permitted to receive his full salary and to lecture by deputy[4].

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[1] *Estatutos*, pp. 1–5. Six Consiliarii were chosen in this way, one by the College of the Holy Cross.

[2] The only *Conservatores* mentioned in the Statutes are the *Milites* elected by the University to defend its rights and preserve order at University pageants (p. 37).

[3] *Estatutos*, p. 7 *sq.*

[4] See the Tit. *De Cathedrariis Jubilatis*, *Estatutos*, p. 20.

§ 4. LERIDA (1300).

There is no printed monograph on Lerida, but (what is much better) the original Privileges and Statutes are published by Villanueva in the *Viage Literario á las Iglesias de España*, T. XVI, Madrid, 1851. The existence of this invaluable collection was, however, practically unknown North of the Pyrenees before the appearance of Denifle's book. Some of the documents are printed by de la Fuente, I. p. 300 *sq.* Denifle has printed others in the *Archiv für Lit.- u. Kirchengesch. des Mittelalt.* IV. 253 *sq.*

CHAP. VII. § 4. The first University for Aragon.

The zeal for education which, fostered by a spirit of national independence, had led to the establishment of three Castilian Universities in the course of the thirteenth century, spread to the neighbouring and rival kingdom of Aragon at the end of the same century[1]. The Spanish Universities were above all things national institutions: and before the close of our period we shall find every one of the Spanish kingdoms in possession of its own Studium Generale.

Difficulties of Classification.

In the great work of Denifle the Universities are classified entirely according to their origin, and fall into one or other of three main classes, (1) Universities which arose without a Charter of foundation; (2) Universities founded by Papal Bull; (3) Universities founded by Imperial, Royal, or Princely edict. There are, however, in point of fact not a few Universities which cannot be assigned to one or other of these categories without a very arbitrary procedure. This classification is peculiarly unsatisfactory in the case of Lerida, which is placed by Denifle—rightly perhaps if such a classification is to be adopted at all—in the third of the above classes, but it gives at best a one-sided view of the facts.

Foundation by James II, 1300.

No University, indeed, was more entirely the creation of a monarch's will. The University of Lerida was founded by James II of Aragon in 1300. But the document in which

[1] The purpose of the foundation of Lerida is thus described by the Founder: 'Ut nec potissime nostros fideles et subditos pro investigandis scientiis nationes peregrinas expetere, nec in alienis ipsos oporteat regionibus mendicare.' Villanueva, T. XVI. p. 196.

his intention to found a Studium Generale in some town of his realm is first declared in a letter addressed to the reigning Pope, asking for Apostolical approval for the undertaking. In consequence of this petition a Bull was issued by Boniface VIII conferring upon the University when founded the privileges of Toulouse. The King's actual Charter to the University, the seat of which is now fixed at Lerida, declares that it is founded by joint Regal and Apostolical authority[1]. In this procedure it is obvious that a jealous assertion of the Royal prerogative is combined with a desire to secure for the new foundation privileges which only an ecumenical authority could bestow. In other respects the Charter is clearly based upon the model of Frederick II's foundation-bull for Naples; in accordance with which precedent another Royal edict forbade the teaching of Law, Medicine, and Philosophy in all other places within the King's dominions[2]. This provision brings into relief the real nature of the educational revolution introduced by the foundation of Universities. Formerly the Schools of any great Church might teach all subjects, and authorize qualified persons to become Masters in them. In Italy and perhaps parts of Spain the freedom of education was not even limited by the necessity for ecclesiastical authorization. By the foundation of Universities higher education was made, either formally (as at Naples and Lerida) or virtually (as in France and England), the monopoly of certain privileged Studia. At Naples the teaching of Grammar only was allowed in other places: at Lerida an explanatory edict exempts Logic also from the operation of the Royal prohibition. In some points, however, the King of Aragon's legislation was far more wise and liberal than that of the Neapolitan monarch. His original Charter[3]

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[1] 'In civitate nostra Ilerdensi studium generale in iure canonico et civili, medicina, philosophia et artibus et aliis approbatis et honestis scientiis quibuscumque, auctoritate Apostolica nobis in hac parte concessa ac etiam nostra, duximus ordinandum.' Doc. ap. Villanueva, XVI. p. 200. Degrees were likewise conferred by joint authority of King and Pope. *l. c.* p. 201.'

[2] Doc. ap. Villanueva, XVI. p. 199. Cf. above, p. 23.

[3] Printed by de la Fuente, I. p. 311.

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exhibits no jealousy either of ecclesiastical authority or of academic liberty. The privileges which it confers are the amplest ever yet bestowed on the first foundation of a University.

Statutes of 1300.

Seldom did the actual beginning of a University's existence follow more promptly upon its formal erection. On Michaelmas Eve, 1300, the students met and elected as their first Rector the then Archdeacon of Lerida; and on the same day an elaborate Code of Statutes was solemnly promulgated. These Statutes are of peculiar importance in the constitutional history of Universities. They are the earliest detailed Code of Statutes for a Student-university which has come down to us: and, allowance being made for constitutional changes adopted to suit the peculiar circumstances of Lerida, they reveal to us the whole organization and educational system of the University of Bologna on which they are undoubtedly modelled, at a period considerably before the date of the earliest Bologna Code now extant. They show us the Student-liberties, the Student-domination over the Professors, already in full operation. Nothing can more strikingly illustrate the extent and the established position of this Bolognese student-ascendancy than the fact of its deliberate adoption (with but few modifications) amid social conditions not a little different from those under which it had grown up, by a Spanish Sovereign. It had come to be accepted as an ordinance of Nature that Law-students should form a self-governing body.

Constitution.

The principal modification introduced into the Bologna constitution is that (in accordance with Neapolitan precedent) a Chancellor nominated by the King takes the place of the Bishop as the licensing authority. The King, however, as a concession to the connexion generally existing between Chapter and Schools in Spain, grants that the Chancellor shall always be a Canon of Lerida[1]. On the other hand the academic jurisdiction of the Rector over foreign students

[1] Villanueva, XVI. p. 201. He is styled *Cancellarius studii*, not (it should be observed) *Universitatis*, *l. c.* p. 214, though being 'de præcipuis officialibus studii, privilegiis universitatis cancellarius gaudet,' *l. c.* p. 219.

is recognized more fully and ungrudgingly than it was ever recognized by the Bologna Municipality. Foreign Doctors and students[1] are exempted from the jurisdiction of the State Courts (if they claimed the exemption) in all civil cases and in all non-capital criminal matters, and are allowed to choose between the Rectorial tribunal and that of their own Master. One other exception is noticeable. A lay student caught in the part of the town specially assigned to students' houses with arms or musical instruments in his hands (the two offences are placed precisely on a level) may be fined by the town officials: a clerical student under similar circumstances is to forfeit the obnoxious weapon or instrument and to be sent to the Bishop or Rector for correction[2]. The distinction shows how little, in Southern Europe, scholarity was held to imply clerkship. CHAP. VII, § 4.

In Aragon the Municipalities were at this time more powerful than in Castile; and at Lerida it is probable that the Municipality had much to do with the foundation of the University. At all events, the endowment was supplied by them, and the Prohombres of the City were entrusted with the nomination to the salaried chairs—originally two in Canon Law, two in Civil Law, one in Philosophy, one in Medicine, and one in Grammar[3], but they were directed to be guided in their choice by the advice of the Rector and Consiliarii. Whether in consequence of this division of responsibility or otherwise, by the year 1311 the Studium had come to a dead-lock. In that year, however, the Council of the City offered to provide the salaries, on condition that the Doctors should be chosen by the Bishop and Endowment.

[1] The University is expressly defined as a 'Universitas scolarium forensium, qui non sint de civitate Ilerdæ, clerici vel laici in utroque jure studentes,' *l. c.* p. 201. But Masters and scholars 'cuiuscunque scientiæ' must obey the Rector (*l. c.* 217). Cf. p. 229, 'Cum te dicas civem Ilerdæ, jurare non cogeris universitatis statuta, licet dum in hoc studio fueris, ad eorum observantiam teneaaris.' All Doctors and Bachelors were bound to swear obedience to the Rector.

[2] *l. c.* pp. 204, 5.

[3] Villanueva, XVI. p. 214; *Archiv*, IV. p. 255 sq.

UNIVERSITY

CHAP. VII, § 5.

Chapter. Eventually the King divided the cost of the Studium between the Municipality and the Chapter[1].

Later History.

From its revival in 1311 the University seems, but not quite without interruptions, to have enjoyed a moderate share of prosperity till its gradual evanescence in the course of the fifteenth century[2]. Its fame was chiefly derived from its School of Law: but among the 284 Bachelors and Scholars whose names appear in a Rotulus sent to Benedict XIII in 1394, there are more Artists than Jurists, and the medical Faculty had more prominence here than in most Spanish Universities: in 1387–97 John I granted it a privilege already established at Montpellier and elsewhere, *i.e.* an annual corpse for dissection, with the curious proviso that the criminal assigned for the purpose should be drowned[3].

S. Mary's College.

The oldest College in Spain was situated at Lerida—S. Mary's College founded in 1372 by Domingo Ponz, Chanter of Lerida[4].

§ 5. PERPIGNAN (1349).

This University is one which has been practically disinterred by Denifle (I. pp. 515–519) from MSS. at Rome and Perpignan, where the Statutes of *circa* 1379 are preserved. Its bare existence is recognized by de la Fuente, I. p. 239. The Statutes and other documents are now printed by FOURNIER, *Statuts des Universités françaises*, T. II. 1891, No. 1482 *sq.*

Project of University in Roussillon.

After the annexation of the County of Roussillon to the crown of Aragon in 1344, the victorious King Pedro the Ceremonious—possibly from a desire to gratify his new

[1] *España Sagrada*, T. XLVII. p. 351.

[2] The continued existence of the University in the fourteenth and beginning of the fifteenth centuries would seem to follow from the facts mentioned by de la Fuente, I. p. 246, but I can discover nothing as to its later history. It must have practically disappeared before 1464, when Paul II's Bull for Huesca declares that 'in eodem Regno Aragonum nullum aliud studium viget generale,' (Aynsa, *Ciudad de Huesca*, p. 626.) We find, however, a royal visitation of the University in 1565. *España Sagrada*, T. XLVII. p. 357.

[3] *España Sagrada*, T. XLVII. p. 354.

[4] The facts about this College are collected by Denifle from Vatican Archives (I. pp. 505–6).

subjects and promote the fusion of the County with his older dominions—conceived the design of transferring the Studium from Lerida to some town in Roussillon. In confirming the privileges of Lerida in 1347 he inserts the clause 'so long as the said Studium shall remain in that City[1].' The contemplated suspension of the Studium of Lerida was never carried out; but in 1349 a royal edict[2] was issued erecting a new Studium Generale at Perpignan in all Faculties (including Theology), inviting doctors and scholars to attend it, promising the usual protection and directing the Consuls to provide a students' quarter in the city. The edict declares that there were Doctors teaching at Perpignan already: and as the Charter is said to be issued at the request of the Municipality, it is probable that the University must be regarded (like Huesca and perhaps Lerida) as an expansion of a Town-school of Law. Little or no effect, however, was produced by the new Charter. The University was a failure and the King (still apparently unfavourable to Lerida) made a more successful attempt to erect a new University at Huesca. The real existence of the University of Perpignan does not begin till the issue of a Papal Bull of foundation for all Faculties except Theology in 1379 by the Avignon Pope Clement VII[3], whom the University thereafter claims as its founder, at least when supplicating for benefices at the Papal Court[4]. One of these benefice-rolls (of 1394) contains the names of a Rector, four Licentiates and twenty-eight Bachelors of Law, one Master of Arts, three Bachelors of Medicine, 137 Scholars in Law and 207 in Arts—most of them from the dioceses of Elne, Gerona, and Urgel, with a few from more distant regions[5]. A Faculty of Theology was sanctioned by Nicolas V in 1447[6].

Foundation of Perpignan, 1349.

Bull of Clement VII, 1379.

The original Statutes[7] are based upon those of Lerida, but are influenced also by those of Toulouse and contain

Constitution.

[1] Doc. quoted by Denifle, I. p. 508.
[2] Fournier, II. No. 1482.
[3] Fournier, II. No. 1483. The early Royal Foundation included Theology.
[4] Fournier, II. No. 1487.
[5] Fournier, II. No. 1488.
[6] Fournier, II. No. 1513.
[7] Fournier, II. No. 1485.

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many original features[1]. The Bishop of Elne is Chancellor and approves of the Rector-elect in the name of the King. The Rectorship is usually held by a Bachelor or student, but a Doctor (probably not a salaried Professor) is occasionally elected. Of the ten Consiliarii two at least must be Bachelors of Law, and two members of the Faculty of Medicine or Arts. The salaried chairs are filled by the Consuls after consultation with the Rector and Council.

§ 6. HUESCA (1359).

The History of the University is dealt with by AYNSA Y DE YRIARTE, *Fundación &c. de la antig. Ciudad de Huesca* (Huesca, 1619), p. 613 *sq.*; and RAMON DE HUESCA, *Teatro histórico de las Iglesias del rigno de Aragón*, VII, Pamplona, 1797 (the latter I have not seen), both of whom print the most important documents, to which Denifle makes an important addition. No Statutes appear to be known before the printed edition of 1601.

The Roman School.

Huesca is the later name of the ancient Osca—the seat of the celebrated School opened by Sertorius for the instruction of Spanish youth. But it is of course impossible to establish any connexion between the School of Sertorius and the later University. The Saracen occupation by itself forbids the attempt to bridge over the gulf between the Roman and the medieval School.

Foundation by Pedro IV in 1359.

In 1354, probably in consequence of the failure of his attempt to found a University at Perpignan, Pedro IV issued a Charter creating one at Huesca[2]. The document is closely copied from the Charter of James II for Lerida, including the prohibition to study elsewhere[3].

[1] A remarkable feature is a specification of the length of time for lectures, which was in winter: Morning 3 hours, Tierce 2 hours, Nones 1½ hours, Vespers 2½ 'vel circa.' In summer the hours are shorter. I have not elsewhere noticed the term 'Camerarii,' who seem to have been private 'Repetitores.' The public Repetitions were here given by Bachelors.

[2] Aynsa, p. 624.

[3] But with the exception as regards Theology, 'præterquam in Ecclesiis et ordinibus quibus solitum est legi prefatam Theologiam.' Doc. ap. Aynsa, p. 624, and de la Fuente, I. p. 317. There is no mention of Papal authorization in Pedro's Charter; he claims to found the Studium Generale entirely *suo jure*, and to bestow the privileges conferred by the Holy See on Toulouse, Montpellier, and Lerida.

Unlike Lerida, however, Huesca was provided with a Theological Faculty from the first. The method adopted for the endowment of the Studium was peculiar and suggests an amusing ignorance of the fundamental axiom of Political Economy. A tax was imposed upon meat sold in the chief market of Huesca. The consequence was that the inhabitants bought their meat in the cheaper market of the Moorish quarter. This mistake was corrected in a subsequent edict which extended the tax to the Saracen market. A heavy contribution was also laid upon the Saracen and Jewish communities. But, in spite of these provisions, the University did not succeed. The competition of Lerida, which, notwithstanding the monopoly clause in the Huesca Charter, continued to flourish, was too strong for it. By 1358 it appears that only one Bachelor of Law was lecturing in the place—a lecture which had been established by the inhabitants themselves long before the foundation of the University[1]. This last circumstance is interesting as showing that the University was in some sense an outgrowth of a Town-school of the Italian type. We hear nothing of a Chapter School or Maestrescuela. A privilege of King Martin is the only evidence of the continued existence of the University till the reign of John II, who in 1464 petitioned Pope Paul II in conjunction with the citizens for the renewal of the Papal privileges which, it was alleged, had been lost[2]. These, indeed, had never had any real existence, except in so far

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Bull of Paul II, 1464.

[1] 'Nec ibi nunc aliquis eorum legit nisi solum jam dictus Dominicus Egidii Davena bacallarius in legibus, quem ad legendum in dicta civitate homines universitatis ipsius (*i. e.* the town) de novo aduxerunt seu venire fecerunt, prout ante fundacionem ipsius studii homines jam dicti consueverunt tenere unum bacallarium, qui eorum filiis in dicta civitate legebat.' Edict of Pedro IV, printed for the first time by Denifle, I. p. 511 *sq.* (with other documents already printed by Ramon de Huesca).

[2] Bull of Paul II (ap. Aynsa, p. 625), appointing a Commission to enquire into the facts and renew the Studium Generale. It promises the privileges of Toulouse, Lerida, and Bologna. It should be observed that this Bull does not question the right of Pedro to found a Studium Generale solely *regia authoritate*, though it recites that the foundation was 'a sede Apostolica, ut asseritur, approbata et confirmata.'

CHAP. VII, § 7. as the Pope's general permission to the King of Aragon to establish a University in any town of his realm might be held to confer the power of founding Huesca as well as Lerida[1]. A Bull was, however, granted renewing the 'interrupted' Studium, and entrusting the right of promotion to the Archdeacon[2]. From the year 1473 the University began to be endowed in a more satisfactory way by the impropriation of prebends and other ecclesiastical property[3], and maintained a substantial though far from glorious existence till it was thrown into the shade by the revival of Saragossa towards the end of the sixteenth century.

§ 7. BARCELONA (1450).

My only authority is De la Fuente, I. pp. 236–240, and the documents printed by him, p. 232 *sq.*

The Statutes of the University of Lerida provide for a most imposing array of 'Nations,' from which representatives were expected by its sanguine founders to flock to the new seat of learning: and it was enacted that the Rector should be chosen from each Nation in turn. As a matter of fact, however, only two countries availed themselves of the opportunities thus placed within their reach in sufficient numbers for the establishment of academical Nations—the Aragonese and the Catalans. Lerida was perhaps selected for the seat of a University as lying in a central position, equally accessible from Aragon and from Catalonia. With this measure of independence the national or provincial aspirations of the King of Aragon's Catalan subjects were content till the year 1430, when the Town Council of Barcelona founded and endowed a Studium[4], for which in 1450 they obtained a Royal Charter from Alfonso V and a Papal Bull from Nicolas V[5] conferring

[1] Had Lerida been disestablished, this contention might have held good, but the Pope did not authorize the establishment of *two* Universities.

[2] The Bull is unpublished. Denifle gives its contents (I. p. 514).

[3] Aynsa, p. 630.

[4] De la Fuente, I. p. 237.

[5] Printed ap. de la Fuente, I. p. 333 *sq.* The Pope declares that the Studium Generale is to be 'ad instar studii Tholosani,' and confers the privileges of that University: the King bestows those of Lerida and

on it the rights and privileges of a Studium Generale in all Faculties. It remained, however, very unimportant till its 'reformation' in the middle of the sixteenth century. Barcelona, like Majorca and Valencia, was a great seat of Lullianist doctrine[1].

§ 8. SARAGOSSA (1474).

De la Fuente, I. pp. 248 *sq.*, 340 *sq.*

We have seen that it formed part of the earlier and vaguer conception of a Studium Generale that one at least of the higher Faculties should be represented in it. In time, however, the idea of ecumenical validity for the degree became the most prominent part of the idea. Hence there was no theoretical objection to the creation of a Studium Generale in Arts only; but as a matter of fact, the only instance of such a creation within our period is the University of Saragossa, for which a Bull was granted by Sixtus IV in 1474[2]. The Bull recites that there had existed in the city 'from ancient times' a Studium in Arts, and that the senior Master had been styled Rector of the Studium. It proceeds, in accordance with the petition of the Chapter and Municipality, to create a Studium Generale in Arts only, to make the Master (*Magister Major*) Chancellor as well as Rector, and to give to the Masters and scholars all the privileges of Paris and Lerida.

Bull of Sixtus IV in 1474.

Two years later, in consequence of disputes arising between this glorified Head Master and the Chapter as to the administration of what was no doubt originally a Chapter School, it was found expedient to procure another Bull making the Archbishop Chancellor and the Rector Vice-Chancellor, and giving power to the Chancellor, Vice-Chancellor and Chapter in conjunction to make Statutes for the government of the Studium[3].

Archbishop Chancellor, 1476.

Perpignan. The omission of Huesca testifies to the extinction of that University.

[1] De la Fuente, I. p. 147.

[2] Printed by de la Fuente, I. p. 340. A Studium Generale *ex consuetudine* in Arts only existed at Erfurt. See below, pp. 100, 243.

[3] Bull printed by de la Fuente, I. p. 344.

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The Studium, however, remained of so little importance that, when in 1541 steps were taken for the erection of a University in the higher Faculties, no notice whatever was taken of these earlier Bulls [1].

AVILA.

According to Zarate (*De la instrucción pública en España*, p. 208), a University was founded here in 1482 by Ferdinand and Isabella for Theology, Law, and Philosophy, and endowed with the confiscated property of the Jews: it was suppressed in 1807. Without seeing the documents, I do not venture to place it definitely among Studia Generalia even *respectu regni*.

§ 9. PALMA (1483).

DAMETO, *Hist. Gen. de Mallorca*, ed. 2, III. Palma, 1841.

Career of Raymundus Lullius.

It is impossible within the limits of this work to embark on so difficult and obscure a subject as the life and teaching of Raymundus Lullius—one of the strangest episodes in the philosophical history of the Middle Ages. Lullius acquired fame in two characters. He was the inventor and propagator of a fantastic system of Logic, including a logical machine which was (like the *Novum Organum* of Francis Bacon) to 'equal intellects' and solve all problems. At the same time he was an impassioned missionary who spent his life in inciting Pope and King to found Colleges for the study of Arabic and the conversion of the Saracens [2], and who died a martyr to his own zeal in the missionary cause. The scientific and the missionary enthusiasm were united by the confidence of its author that the 'Great Art' must perforce effect the conversion of the Arabs to the Christian faith. In both characters he left his mark upon his native Island of Majorca. It was through his persuasion that James I

[1] *l. c.* p. 249 *sq.*

[2] The decree of the Council of Vienne in 1311 for the creation of Oriental Chairs in the great Universities is supposed to have been largely due to his importunity. The document, which de la Fuente calls 'Aprobación de la doctrina de Lulio por le Universidad de Paris, 1309,' is wrongly described. It is a certificate of orthodoxy granted by the Bishop's Official on the evidence of certain individual Masters, Bachelors, and Scholars of Paris.

of Aragon was persuaded to found in 1276 a 'Missionary College of Minorites at Miramar for the study of Arabic[1].' This College obtained a Bull of Confirmation from John XXI[2], and perished before the death of Lullius: but in the latter half of the fourteenth century, and all through the fifteenth, the philosophical, medical, and scientific doctrines of Lullius seem to have been taught at various places in the Island. It is reasonable to suppose that this Studium, if such it can be called, traced its origin back to the founder of the sect: but it is doubtful whether any connexion can be established between it and the University founded at Palma in 1483 by Ferdinand the Catholic with the privileges of Lerida. The University, so far as appears, can only claim to rank as a Studium Generale *respectu regni*[3].

His College at Miramar.

§ 10. SIGÜENZA (1489).

Chapter in de la Fuente, *Universidades*, II. pp. 1-23, and Documents, pp. 525-545.

About the year 1476, Don Juan López de Medina, Licentiate in Decrees, Archdeacon of Almazán in the Church of Sigüenza, Canon of Toledo and ten other Churches, conceived the idea of devoting some portion of his ecclesiastical riches to a foundation of a very peculiar character. Outside the walls of Sigüenza he built a Convent to be called the Convent of S. Antonio de Portaceli, which he made over to the Franciscans or, in the event of their leaving it, to the 'Religious of San Jerónimo.' The occupants of the Convent were to be specially devoted to study; and in close connexion with this College-Convent three chairs of Theology, Canon Law, and Arts were erected, and endowed (by permission of the Founder's patron, Cardinal Mendoza, who was

[1] Dameto, III. p. 47. The Bull speaks of the 'Studium Generale Magistri Raymundi Lulli,' but this must mean only a Studium Generale for the Franciscan Order (*Studium Ordinis*).

[2] See the two chapters devoted to that subject in de la Fuente, I. 113 *sq.*, 241 *sq.*, and the documents in Dameto, III. p. 81 *sq.*

[3] Dameto, III. pp. 77, 449.

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Bishop of Sigüenza as well as Archbishop of Seville), the first two with Canonries and the last with a 'portion' in the Church of Sigüenza[1]. The Chairs were to be filled by secular clerks who had graduated at Sigüenza. It was from the first contemplated that others besides the Friars should attend the Studium: but in 1477 an independent secular College for a Rector and twelve Scholars (in memory of Christ and his Apostles) with four student-servitors was founded by the Archdeacon, and endowed by the annexation of a number of benefices or 'portions'[2] in various parochial Churches held by him whether in right of his Archdeaconry or otherwise. The patronage was reserved for the Founder and his heirs. It was from the first intended that the scholars should follow a regular course of a University character, but it was not until 1489 (after the Founder's death) that a Bull was obtained from Innocent VIII, authorizing the students of the College to receive the degree of Bachelor from the Doctors or Masters of the Studium and the degrees of Doctor and Licentiate from the Bishop as Chancellor after examination by the Doctors[3], and conferring upon them all the privileges enjoyed by graduates of other Universities. A College and a University were thus fused into one, the Rector of the College (who was assisted by two Consiliarii) becoming also Rector of the University[4]. The new form of University thus evolved became the model upon which similar College-Universities were afterwards erected at Alcalá and elsewhere in Spain.

College annexed, 1477.

College-University, 1489.

[1] De la Fuente, II. p. 1 *sq.*, 525 *sq.* A Hospital also formed part of the foundation.

[2] 'Beneficia simplicia, et præstimonia, ac præstimoniales portiones parochialium ecclesiarum de Palazuelas,' &c. *Ib.* p. 529.

[3] The Bull is unfortunately not printed by de la Fuente. Its contents are summarized (*Ib.* II. p. 16 *sq.*); Villanueva, II. 102.

[4] The Rector was at first elected for two years, afterwards for one. De la Fuente, II. p. 17. A dispute soon arose as to the admissibility of 'new Christians,' *i.e.* converted Jews or Saracens, which was decided against them in 1497. *Ib.* p. 543.

§ 11. ALCALÁ (1499).

The following is from Denifle, I. pp. 646-648, de la Fuente, *Universidades* II. p. 66: *Constitutiones insignis Collegii S. Ildefonsi ac . . . totius almae Complutensis Acad.*, Compluti, 1560.

In 1293 Sancho IV of Castile projected the foundation of a Studium Generale at Alcalá, and conferred upon it the privileges of Valladolid; but nothing seems to have been done in execution of the scheme. Nothing at all events is heard of any considerable Studium at Alcalá until 1459, when, on the petition of Alfonso Carrillo, Archbishop of Toledo, Pius II granted leave for the establishment of three chairs in Arts and Grammar by the impropriation of benefices [1]; but, as this Bull does not expressly create a Studium Generale and no promotions seem to have taken place, the School must rather be looked upon as a *studium particulare privilegiatum* until the year 1499, when a Bull of creation was issued for a University, or rather a College of San Ildefonso, with power to grant degrees, by Alexander VI, on the petition of the famous Ximenes, Archbishop of Toledo. The Founder of the College declared it to be on the model of the College of S. Bartholomew at Salamanca [2]. The right of promotion was bestowed upon the Abbot of the Collegiate Church of S. Justus and S. Pastor, and the graduates were endowed with the privileges of Valladolid, Salamanca, and Bologna. By the Papal Bull, Bachelor's degrees were to be conferred by the Professors of the College. The actual inauguration of the College took place in 1508, while the Statutes were not published till 1510. [3]

§ 12. VALENCIA (1500).

The following account is from de la Fuente, *Universidades*, I. pp. 228-235, II. p. 55 *sq.* Cf. Denifle, I. p. 643 *sq.* I have not seen ORTI Y FIGUEROLA, *Memorias históricas de la fundación y progressos de la insigne Univ. d. Valencia* (Madrid, 1730), or MIGUEL VELASCO Y SANTOS, *Reseña histórica de la Univ. de Valencia.* There are some documents in VILLANUEVA, *Viage literari*, T. II. p. 90 *sq.*

The history of this Studium is peculiarly interesting as an indication of the zeal of Spanish Municipalities in the

[1] De la Fuente, II. p. 556.
[2] De la Fuente, II. p. 559.
[3] De la Fuente, II. p. 66; Denifle, I. p. 648.

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cause of education. In 1246 Innocent IV granted a Bull exempting Regents in the Studium which the King of Aragon was intending to erect at Valencia from residence on their benefices[1]. It appears to have been intended to found a Studium Generale, since James I of Aragon proclaimed liberty to teach in Arts, Medicine, and Law at Valencia, and Innocent IV speaks of it as destined to be a Studium of the highest utility not only to the aforesaid realm, but also to its neighbours; but nothing further appears to have been done till 1374, when the City petitioned the King for a Studium Generale[2]: while on its own responsibility it proceeded to take the modest step of hiring a solitary Bachelor of Arts to begin teaching in the place. In Spain the right of a Council to establish a Studium (*i.e.* a Studium Particulare) was not so unquestioned as in Italy, nor the right of the Bishop and Chapter so well established as in Northern France. The Bishop excommunicated the Jurados of the City, and imprisoned the B. A. on the ground that the action of the Council infringed the monopoly granted by James II to Lerida. He was at length discharged on the strength of the earlier edict of James I: but the opposition of the Chapter seems to have thwarted the efforts of the Council to establish a more substantial Studium till 1389, when two Jurists, two Medical Doctors, four teachers of the Notarial Art, and one Master of Medicine and Arts, were commissioned to draw up Statutes. In 1412 a Studium of Arts with a code of Statutes was established by agreement between the Council and the Chapter[3]. Under the old permission of James I this Studium might possibly have claimed to be a Studium Generale *respectu regni*[4], though (according to the Siete Partidas) a School could not claim this distinction, even if founded by Royal authority, unless it included one of the higher Faculties; and there is no reason to believe that promotions ever took place here. The

[1] De la Fuente, I. p. 293.

[2] *Ib.* p. 320; Villanueva, II. pp. 105–7.

[3] Villanueva, II. p. 167 *sq.*

[4] It was also from the Papal point of view, under the Bull of 1246, a *Studium particulare privilegiatum.*

Studium at length obtained a Bull of foundation and privilege from the Valencian Pope, Alexander VI, in 1500 A.D.[1] As an indication of the advance of the Renaissance it may be noted that it was declared to be a Studium for 'Greek and Latin Letters' as well as for the usual Faculties.

§ 13. LISBON AND COIMBRA (1290).

The principal monograph on this University is LEITÃO FERREIRA, *Noticias chronologicas da Universidade de Coimbra* (in *Collecçam dos Documentos da Acad. Real da Historia Portugueza*, Lisboa, 1729), which unfortunately contains but few documents. These DENIFLE (I. 519–534) largely supplements from the Vatican Archives. I have also made use of an anonymous *Notice Historique de l'Un. de Coïmbre*, Lisbonne, 1878. The short Statutes of 1309 and a few other documents are printed by RIBEIRO in *Dissertações chronologicas e criticas*, T. II. Lisboa, 1811, p. 241, and there are some notices and documents in BRANDAO, *Monarchia Lusitana*, Part V. Lisboa, 1752. RIBEIRO also deals briefly with Coimbra in *Hist. dos Estabelecimentos scientificos de Portugal* (Lisboa, 1871–76). The *Exposição succinta da organisação actual da Universidade de Coimbra* by the VISCONDE DE VILLA-MAJOR (Coimbra, 1878), contains an historical introduction, as also does the *Esboço historico-litterario da Fac. de Theologia da Univ. de Coimbra*, by MANUEL EDUARDO DE MOTTA VEIGA (Coimbra, 1872). For copies of the last two books and for some other information, I am indebted to the courtesy of Dr. Viégas, Rector in 1891. For other authorities, see Villa-major, *l. c.* pp. 8, 9. There is a *Catalogo dos Pergaminhos do Cartorio da Univ. de Coimbra* (Coimbra, 1881), by MONTE PEREIRA; the oldest document catalogued is dated 1381. BRAGA, *Historia da Universidade de Coimbra*, T. I. Lisboa, 1892, came into my hands after this section was in type. It contains some fresh facts illustrated with considerable learning, but some of the quotations from Comte and Mr. H. Spencer might have been spared. There is a Portuguese translation of Denifle's section with notes by RODRIGUES (*A Universidade de Lisboa-Coimbra*), Coimbra, 1892.

The large number of Universities in Spain testifies to the essential distinctness of the Spanish kingdoms which continued to assert their individuality in spite of their rapid political amalgamation culminating in the Spanish Monarchy of Charles V. The unity of the kingdom of Portugal from its first foundation to the present day is proclaimed by the fact that throughout its history it has possessed (if we except the Jesuit University of Evora) but one national University[2]. Its Founder was the first Portu-

The one Portuguese University.

[1] De la Fuente, I. p. 347.

[2] Fortunato de S. Bõaventura (*Hist. da real Abbadia de Alcobaça*, Lisboa, 1827, p. 55) cites the charter of the Abbey of Alcobaça establishing in 1269 a Studium of Grammar, Logic, and Theology, 'ad communem utilitatem monachorum nostrorum *et*

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guese Sovereign who inherited the whole kingdom of 'Portugal and Algarve,' the first Portuguese monarch great in the arts of peace, the poet-king Diniz. While, however, the Portuguese University has ever since maintained a certain historic continuity, it has changed its local habitation more frequently than any other University in the world, with the exception of the ever-migratory University of the Papal Court. Its original seat was at Lisbon. There are some scanty notices of Church Schools before the University epoch at Lisbon[1], but most of them were monastic, and the most famous of the Portuguese Church Schools was not at Lisbon but in the Metropolitan City of Braga[2]. The University of Lisbon is one of those which were made, and not evolved. In 1288 a petition was presented to Nicholas IV by the Abbot of Alcobaça, the Prior of Santa Cruz in Coimbra and other ecclesiastics praying for the establishment of a Studium Generale to be supported by a tax upon the convents or benefices of the petitioners[3]. In 1290, accordingly, a Bull of privilege was issued[4]. It was not, however, quite in the form of an ordinary Bull of foundation. It recognizes the University as already founded by King Diniz[5], and recites that

Papal Bull for Lisbon, 1290.

omnium appetentium incomparabilem scientiæ margaritam': but as the Abbot of Alcobaça is found in 1288 at the head of the petitioners for a Studium at Lisbon, it may be assumed that no great success attended this interesting—and perhaps unique—attempt to establish something like a Studium Generale in connexion with a Monastery. Ribeiro (*Hist.* I. p. 13) also speaks of the foundation in 1286 by D. Domingos Jardo, Bishop of Evora and Lisbon, of a 'College or Seminary' for 'dez capellães, vinte merceeiros e seis escholares de latini, grego, theologiae canones.' But, without the original documents, I can give no further account of the institution. Evora was founded in 1558, *l. c.* p. 107.

[1] Motta Veiga, p. 22.

[2] *Mon. Lusit.* V. p. 524; Motta Veiga, p. 19.

[3] *Mon. Lusit.* p. 530; Ferreira, p. 41; Motta Veiga, p. 22. De la Fuente's claim (I. p. 69 *sq.*) for Coimbra as 'the most ancient University' in the Peninsula is quite unfounded.

[4] Much is made of the statement that S. Antony of Padua was sent to school at S. Mary's Church, close to which he was born: but it is clear that he was very young at the time, and the statement in the earliest life of the Saint ('sacris litteris imbuendum tradunt,' ap. *Portugaliæ Mon. Hist.* I. p. 117) probably implies no more than that he was taught to read his Psalter.

[5] 'Sane ad audientiam nostram pervenit, quod procurante charissimo

an endowment has been already provided by certain Monasteries, Prelates, and Rectors. It sanctions taxation of lodgings in the Paris and Bologna fashion, grants dispensation from residence to Masters and students, exempts them from lay jurisdiction, and authorizes the Bishop of Lisbon [1] (or *sede vacante* the Vicar-capitular) to confer the *jus ubique docendi* in all Faculties except Theology. But, in spite of Royal and Papal protection, the citizens of Lisbon soon manifested with exceptional ferocity that hatred for young clerks which was everywhere more or less entertained by medieval citizens. Riots like those which had nearly driven the great French University from the capital proved fatal to the Studium at Lisbon. In 1308–9 the University was transferred to Coimbra—a smaller and quieter City, though at that time a Royal residence—with fresh Papal and Royal charters of Privilege [2]. The endowment of the University was now provided for by the impropriation of six Churches in the King's patronage [3].

Transferred to Coimbra, 1308-9.

The shade and retirement of Coimbra proved, it would seem, even less favourable to academic prosperity than the turmoil and strife of Lisbon. In 1338 a petition was presented to the King for the re-transference to Lisbon of the University which Diniz had declared to be 'ineradicably' planted at Coimbra—a change which was carried out in that or the following year [4]. But, whether owing to a renewal of the old hostilities or otherwise, the year 1355 saw the restless University re-established at Coimbra. This migration seems to have been more fatal than the former. A petition presented to Clement VII in 1377 informs his

Back to Lisbon, 1338-9.

Return to Coimbra, 1355.

in Christo filio nostro Dionysio Portugal. Rege illustri, cujuslibet licitæ facultatis studia in Civitate Ulixbon. sunt de novo . . . plantata.'

[1] The see became an Archbishopric in 1394.

[2] Ferreira, p. 94; *Mon. Lusit.* V. p. 531: Motta Veiga, p. 241. The petition to the Pope explains the cause. Extracts are given from this and other documents by Denifle, I. p. 524.

[3] *Reg. Clem. V.* Romæ, 1885, No. 2666. Braga (I. p. 112) cites a royal edict of 1323, distributing salaries—600 livras for Law, 500 for Decrees, 200 for Physics, 200 for Grammar, 100 for Logic, 75 for Music. This was apparently provided for out of Churches belonging to the military Order of Christ. Other impropriations followed (*ib.* p. 115).

[4] Docs. ap. Ferreira, p. 140 *sq.*

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Holiness that there was no longer any Studium Generale existing in Portugal[1]. It appears, however, that in that year the University was formally re-established in Lisbon[2], though it was not till 1380 that a regular foundation-bull of the ordinary type was issued, taking no account of the previous existence of a University either at Coimbra or Lisbon, and conferring the *jus ubique docendi*. At Lisbon it remained, with a greater degree of prosperity than it had enjoyed at any former period, till the year 1537, when—this time against its will—it was transferred once more to Coimbra in the interests of study and morality[3]. At Coimbra, in spite of the modern tendency to educational centralization, the University still remains: but he would be a bold man who should positively affirm that the students of Portugal have performed the journey from Coimbra to Lisbon for the last time. Portugal remains almost the only independent State in Europe (unless, indeed, we should add our own) whose capital is not the seat of a University.

University transferred to Lisbon again, 1377.

Final return to Coimbra, 1537.

In the earlier days of the University Theology had been taught, as in other University Towns where there was no theological Faculty, in the Convents. We first hear of a Doctor of Theology (who must have graduated elsewhere) teaching at Coimbra at the beginning of the fifteenth century: and a regular Faculty of Theology was founded and endowed with impropriations in 1411[4].

Theological Faculty, 1411.

The Royal charter of privilege issued in 1309 and the very short statutes apparently made at the same time are sufficient to show that the constitution must have been a student-constitution on the Bologna model. The

Constitution.

[1] It also speaks of the former Studium in Lisbon as having been only a *studium particulare*. Either the old Charters were forgotten or the assertion must mean that the Studium never *de facto* came up to the standard implied by the expression Studium Generale. This and the documents next alluded to are unpublished, but extracts are given by Denifle, I. p. 531. There has been much uncertainty and confusion about these changes in previous writers.

[2] Braga, I. p. 120.

[3] *Ib.* p. 448 *sq.* A charter for the transference to Coimbra was issued in 1443 by the Infanta Don Pedro, but came to nothing. *Ib.* p. 144.

[4] Denifle, I. p. 533.

influence of Alfonso the Wise and his Salamancan Charter is plainly discernible. How many Universities or Nations then existed is not known, but there was certainly a plurality of Rectors[1], and the Statutes enforce attendance at Congregation and obedience to the Rectors in other ways—particularly in case of a Cessation[2]. The prominence of this feature is noteworthy: it is hardly too much to say that Universities were in their origin Societies for enforcing Student-rights by the threat of Cessation or Migration. The Royal Charter confers all the usual scholastic privileges. It recognizes the jurisdiction of the Bishop and Master of the Schools over the scholars, but without derogation to the Bologna right of trial by the scholar's own Master[3]. Houses were to be taxed, not as usual by two scholars and two citizens, but by two scholars and two members of the Royal Council.

Royal interference.

The exercise of the Royal Prerogative in the government of the University—a characteristic feature throughout the Peninsula—was peculiarly marked in Portugal. From the middle of the fifteenth century the appointment of Professors rested with the 'Protector' of the University, who was usually either a Royal Prince or the King himself[4].

[1] After the return to Lisbon in 1377, there is only one Rector. Ferreira, p. 202.

[2] 'Statuimus, ut Doctores et Magistri obediant Rectoribus in licitis et honestis, ut cesent a legendo, si et quando ex aliqua causa rationabili per eosdem, sive ex parte ipsorum, eis fuerit demandatum, habita tamen prius deliberatione cum Oficialibus, et facta promulgatione in Congregatione generalli.' Ribeiro, II. p. 241. A later Royal Statute, dated 1471 (? of the Era), is given in Ribeiro, II. p. 265. It shows that the Chairs were still elective.

[3] 'Episcopum vel eius Vicarium, seu Magistrum scholarum, si hoc noscatur ad suum officium pertinere. Per hoc tamen legi dicenti quod Magistri in suos scholares ius dicere valeant non intendimus derogare.' (*Mon. Lusit.* V. p. 532; Motta Veiga, p. 34.) Scholars are protected from the secular Courts, 'nisi forte in homicidio, vel vulnerum illatione, seu furto, vel rapina, aut mulierum raptu, vel falsæ monetæ fabricatione fuerint comprehensi.' (*Ib.*) The influence of Salamanca is still more plainly discernible in the Royal decree of 1323 apportioning the salaries. It provides for a Chair of Music. Ferreira, p. 114: cf. above, p. 103, n. 3.

[4] The illustrious Henry the Navigator was the first Protector elected by the University in 1418. Braga, I. p. 135; Villa-major, p. 31. He endowed a chair of Theology by his will in 1460, and had founded a University building in 1431. Braga, I. pp. 130, 160. As to his School of

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Eventually the University was deprived of the power of making Statutes for itself, and even of the management of its own property[1]. At the present day the King is Protector of the University[2]. A College for sixteen Scholars in Grammar and Arts was founded by the will of Doctor Diego Affonso de Mongancha in 1447[3], but the College system never attained any considerable development in Portugal.

College of Diego Affonso, 1447.

Medieval traditions of Coimbra.

Coimbra still retains perhaps more of the appearance and atmosphere of the old medieval University Town than any City of Continental Europe. There, almost alone in Europe outside the British Isles, students of all Faculties may be seen parading the streets in academical costume. Their dress is, indeed, much more obviously the descendant of the old 'clerical habit' of the medieval student than the scanty gown of the Oxford Commoner[4]. In its Theological Faculty too there would seem to have lingered a more important and (so far as Catholic Europe is concerned) still rarer survival of the Middle Ages,—some faint tradition of the old antagonism to Roman autocracy of which the secular University Schools of Theology were so long the depositaries[5].

Mathematica, *Nautica*, and *Geographia*, founded at Sagres in 1419, see Braga, I. pp. 135, 160.

[1] This last step was taken in 1414. Braga, I. p. 133.

[2] The appointments to Chairs in the University of Coimbra are still made after a public competitive lecture, as in the Middle Ages. *Notice Historique*, p. 150. Another curious survival is the degree of *Baccalarius formatus* (*l. c.* p. 100). The system of examination by *puncta* is still in vogue at Coimbra, and the examinations are still preceded by the Mass of the Holy Ghost.

[3] Braga, I. p. 140 *sq.*

[4] A Statute of 1321 required Doctors, Licentiates and Bachelors to wear gowns reaching to the heels, Undergraduates' gowns reaching to the middle of the thigh. At the present day 'the Coimbra man wears a gown not unlike the Johnian gown at Cambridge: he has no cap; but the *gorro*, which was originally the begging-pouch [?], and which he carries in his hand, serves to cover his head when the sun is very powerful.' *Handbook for Travellers in Portugal* (London: John Murray, 1875), p. 99. The robes of Coimbra Doctors vary with the Faculty. D.D.'s wear white; Doctors of Law, red; of Medicine, yellow; of Arts, blue. These colours, according to the *Notice Historique* (p. 35), date from the medieval period. The same writer describes the costume of the Undergraduate as consisting 'd'une soutane, d'un manteau et d'un bonnet de drap noir' (p. 173).

[5] 'The whole tone of theological teaching at Coimbra is very much

The leading features of the Spanish and Portuguese Universities may be summarized as follows:—

Summary.

(1) Their most conspicuous characteristic is their close connexion with the Crown. They were created by the Sovereigns of the various kingdoms and many of them long or permanently continued to dispense with any further authorization than was conveyed by Royal Charters. These Studia Generalia *respectu regni* are peculiar to the Spanish Peninsula[1]. In all the Royal authority was frequently exercised in their government, and in some the Chancellor was a Royal nominee.

(2) In their internal constitution and government they are more or less closely modelled on the Bologna type.

(3) But the last mentioned fact does not exclude a close connexion also with Cathedral or other Churches. Some of the Universities (especially those of Castile) were distinctly developments — though artificial developments under Royal authority—of ancient Chapter-schools; and except where (as at Lerida) the Chancellor is a Royal nominee, the Bishop and the capitular Master of the Schools exercise considerable authority in the Studium.

(4) In the less ecclesiastical Studia — especially in Aragon—the Cities also take some part in the erection and government of the Universities.

(5) The chief sources of endowment are the thirds of the ecclesiastical thirds bestowed on the Universities by Royal authority with ecclesiastical sanction or impropriations of Crown benefices or taxes on ecclesiastical property.

opposed to Ultramontane tenets, and several of the text-books employed are in the Roman Index.' Murray's *Handbook*, p. 100. But one at least of these books seems to have been abandoned in 1845. See Motta Veiga, p. 278. Opposition to Ultramontane Salamanca may possibly explain the phenomenon, or more probably hostility to the Jesuits, who dominated education in Portugal down to 1772.

[1] In any formally recognized shape. It is possible that at one time the position of many Studia (*e.g.* Cambridge in its earliest days, and of Erfurt before the Papal Bull) might well have been thus described. See below, Chap. ix, § 3, and Chap. xii, § 8.

CHAPTER VIII.

THE UNIVERSITIES OF FRANCE.

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Short accounts of the French Universities may be found in old books such as Limnæus, *Notitia Regni Franciæ*, Argentorati, 1655, T. II. p. 392 *sq.*, and Piganiol, *Description de la France*, Paris, 1753. Riancey, *Histoire de l'instruction publique et de la liberté de l'enseignement en France*, Paris, 1844, Ludwig Hahn, *Das Unterrichtswesen in Frankreich mit einer Geschichte der Pariser Universität*, Breslau, 1848, and Théry, *Histoire de l'éducation en France depuis le Ve siècle jusqu'à nos jours*, Paris, 1858, touch on our subject but do not enter in any detail into the organization of the University system. No work of any importance on the subject as a whole had appeared till the publication of Tom. III. (no other vol. published) of Marcel Fournier's *Histoire de la Science du Droit en France* (Paris, 1892), which is devoted to *Les Universités françaises et l'enseignement du Droit en France au Moyen-Âge* (dealing in detail with Orleans, Angers, Toulouse, Montpellier, and Avignon). Though M. Fournier's method is somewhat dry and involves much repetition, the volume is not unimportant, at least from the special point of view indicated by the title of the larger work of which it forms part. As, however, the following chapters were practically finished before it came into my hands, my own indebtedness is small: but I am under great obligations to the same writer's work, *Les Statuts et Privilèges des Universités françaises depuis leur fondation jusqu'en* 1789. Paris, T. I. 1890, T. II 1891, T. III. 1892—a most valuable collection of documents, edited without much annotation, with too much haste, and with insufficient acknowledgements to Denifle. It has accordingly been severely criticized by Denifle in a pamphlet, *Les Universités françaises au Moyen-Âge*, Paris, 1892, where a few omitted documents are printed. For minor magazine articles and pamphlets on the various Universities, often dealing hardly at all with the medieval period, the reader may be referred to the ample bibliographies in both of M. Fournier's books.

Introductory.

Writers who divide Universities into two sharply contrasted groups—the Universities of Masters and the Universities of students—have usually assigned the French Universities other than Paris, with few exceptions, to the latter class. That the older French Studia, even those so near Paris as Orleans or Angers, were little influenced, either in their original constitution or in their

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subsequent development, by the example of that University, is undoubtedly true. They cannot, however, with any propriety be regarded as imitations of Bologna. In their original form they represent on the whole a distinct type of University organization: the oldest of them must be numbered among the Universities which grew and were not made. In their subsequent development they were no doubt powerfully influenced by the Bologna model; some of them did eventually become on the whole Universities of students rather than Universities of Masters, but still (as we shall see) they were student-Universities of a very modified type In so far as this transformation was due to the influence of Bologna, that influence finds its most natural explanation in the fact that they were mainly Universities of Law. In the South of France there was the same demand for Law that there was in Italy; while even in parts of France that were governed by customs not of directly Roman origin, an education in Roman Law was the ordinary preparation for the career of the secular as well as of the ecclesiastical lawyer, and the exclusion of Civil Law from Paris created a demand for law-teaching even in the immediate neighbourhood of the great Northern University. There were parts of France no doubt which sent students in equal numbers to scholastic Paris and to the legal Universities of Orleans, Angers, and Montpellier. Often of course the same individual studied in both. Still it is worth remarking how large a proportion of the students of Paris came from the North and East of Europe: the names of the Parisian Nations are a sufficient attestation of the fact. Of the Law Universities, on the other hand, a large proportion were situated in the South of France; and even Orleans and Angers—though both on the northern bank of the Loire—drew the majority of their students from France south of the Loire, that is to say, from the most Romanized part of France, the region whose social and political condition most resembled the original home of the great Law Revival of the twelfth century. This is particularly the case with the University which, on

the whole, has the best claim to the first place in a chronological list of the French Universities other than Paris.

§ 1. MONTPELLIER.

The older authorities are: STROBELBERGERUS, *Historia Monspeliensis*, Norimbergæ, 1625. [RIOLAN], *Curieuses Recherches sur les Escholes en Médecine de Paris et Montpellier*, Paris, 1651. AIGREFEUILLE, *Histoire ecclesiastique de la ville de Montpellier*, Montpellier, 1737. ASTRUC, *Mémoires pour servir à l'histoire de la Faculté de Médecine de Montpellier*, Paris, 1767. PRUNELLE, *Fragmens pour servir à l'histoire des progrès de la Médecine dans l'Université de Montpellier*, An. 9. Many other historical pamphlets were evoked in the seventeenth century by the exclusion of Montpellier Doctors from practice in Paris which led to an acrimonious controversy. PRIMEROSE, *Academia Monspeliensis*, Oxoniæ, 1631, contains no history.

The most elaborate work on the history of the University has been done by GERMAIN in his *Histoire de la Commune de Montpellier*, Montpellier, 1851 (New ed. 1879: I have used the first edition), and in a number of monographs of which the most important are *L'École de Droit de Montpellier*, 1877; *La Méd. arabe et la Méd. grecque à Montpellier*, 1879; *L'École de Médecine à Montpellier*, 1880; *Les Maîtres de Chirurgie de Montpellier*, 1886; *Le Cérémonial de l'Université de Médecine de Montpellier*, 1879; *Du Principe démocratique dans les anciennes Écoles de Montpellier*, 1881; *La Faculté des Arts et l'ancien Collége de Montpellier*, 1884; *La Faculté de Théologie de Montpellier*, 1883. These and many other articles more or less relating to the University appeared originally in the *Mémoires de la Société archéologique de Montpellier*, 1860–1881. KÜHNHOLTZ, *Hist. de l'Un. de Montpellier* (Paris, 1840); FAUCILLON, *La Fac. de Droit à M.* (1868), *La Fac. de Théologie à M.* (1857), *La Fac. des Arts de M.* (1860), *Le Coll. de Vergier* (1859); GERMER-DURAND, *L'Un. de M. au XIVe siècle* (1841), and MAXIME DE LA BAUME, *L'École de Droit de M.* (Montpellier, 1869) are slight works of no importance. There is an article by VIGIÉ in the *Rev. des Deux Mondes*, 1890 (*De l'Un. de M., son passé, son avenir*).

Germain's earlier works are now largely superseded, as collections of documents, by the magnificent *Cartulaire de l'Université de Montpellier*; of this, however, only Tom. I. has appeared (Montpellier, 1890), to which he has contributed an Introduction. Germain is one of the best and most readable University historians, though not always quite trustworthy as to academical technicalities. Astruc is the most important of the older writers, though of the superstitious order, seeking to make Montpellier older than Salerno. Mlle GUIRAUD has produced elaborate histories of the Colleges of St. Bénoit and Mende in *Les Fondations du Pape Urbain V à Montpellier*, Montpellier, 1889 91. I have also consulted CASTELNAU, *Notice sur la vie et les ouvrages de Placentin* in *Mém. de la Soc. archéol. de Montpellier* (I. 480), and THOMAS, *Le Collége de Pézenas* (*ib.* III. p. 730). See also the books on medical history mentioned above, vol. I. p. 75, to which may be added MONTEIL, *La Médecine en France*, ed. Pileur, Paris (1874), and articles by BOYER in *Montpellier Médical*, 1882.

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Montpellier but slightly connected with France.

In 1204 Montpellier lost even feudal dependence upon France, which was not restored until it passed under the immediate sovereignty of the French Kings in 1349. Not only was this independence retained much longer by Montpellier than by the neighbouring dependencies of the French Crown, but the Pyrenees were not then the boundary-line that they have since become. The Spanish Saints reverenced in the diocese of Montpellier still testify to a Visigothic origin[1], and during the Moorish occupation of Spain the Spanish element in its population was increased by large numbers of fugitives from the Peninsula[2]. Throughout our period the Mediterranean, that great highway of the ancient world, brought Montpellier and the neighbouring towns into closer connexion with Aragon, and even with Italy, than with Northern France and its capital.

Its political position.

The once distinct towns of Montpellier and Montpelliéret, which have now coalesced into the present town of Montpellier, were situated on the opposite sides of the hill from which the latter name is taken. Both were once feudally dependent upon the Bishop of the older see-town of Maguelone: but in the tenth century Montpellier passed, as a fief held of the Bishop, to the Guillem family, who were themselves vassals of the Counts of Melgeuil. From the beginning of the thirteenth century these Guillems became closely connected by marriage, by alliance in war, and by feudal dependence with the Kings of Aragon. On the other hand, Montpellier was no less closely connected with the Papacy. In 1085 Count Peter of Melgeuil submitted to the feudal suzerainty of Gregory VII, whose successor appointed the Bishop of Maguelone his perpetual Vicar or representative. The Guillems, too, all through their history, were characterized by a romantic and passionate loyalty to the Holy See. They were a family of crusaders; and were among the most ardent champions of the Popes against Frederick II. Their sympathies were clerical and ultramontane to the core. One scion after another of the

[1] Germain, *Commune*, I. p. ix. [2] Astruc, p. 5.

family ended his days in a monastery. The town itself was no less profoundly ecclesiastical in spirit: Montpellier was a 'Catholic centre in the midst of the Albigensian country[1].' Under these circumstances it is natural to find that at least one important modification was introduced into the Bologna constitution when it was imitated by the legal University at Montpellier. From first to last the University was more closely dependent upon the Bishop than was the case even at Paris or in England[2].

I. *The University of Medicine.*

Early notices of the Medical School.

The earliest fame of the Schools of Montpellier was not legal but medical. The first notice of a medical School at Montpellier occurs in 1137, when Adelbert, afterwards Archbishop of Mainz, is said to have studied here after having gone through a course of Arts at Paris[3]. In the days of John of Salisbury it stood almost on a level with the School of Salerno. In enumerating the careers open to Parisian students when weary of Grammar and Dialectic, he says, 'Others went to Salerno or Montpellier and became clients of the Physicians[4].' And

[1] Germain, *l. c.* I. p. lxiii.

[2] The ecclesiastical character of the University itself is less marked. The tonsure is only enforced in the case of clerks beneficed or in holy orders and religious. *Cartulaire*, I. p. 181; Fournier, II. No. 882. We find the Chancellor may be a 'clericus conjugatus, in minoribus ordinibus constitutus,' *Cartulaire*, I. p. 249; Fournier, II. No. 924.

[3] Fournier, II. No. 877. The passage cited by Astruc (p. 10) is not to be found in Strange's edition of Cæsar Heisterbachensis, lib. vii. c. 25, to which Denifle (I. p. 341) also refers. S. Bernard (*Ep.* 37, Migne, T. 182. c. 512) speaks of the Abp. of Lyons going to Montpellier to be cured, where 'cum medicis expendit et quod habebat, et quod non habebat.'

[4] 'Alii autem, suum in Philosophia intuentes defectum, Salernum vel ad Montempessulanum profecti facti sunt clientuli Medicorum, et repente quales fuerant Philosophi, tales in momento Medici eruperunt; fallacibus enim referti experimentis, in breui redeunt, sedulo exercentes quod didicerunt. Hippocratem ostentant, aut Galenum, verba proferunt inaudita, ad omnia suos loquuntur Aphorismos, et mentes humanas velut afflatas tonitruis sic percellunt nominibus inauditis. Creduntur omnia posse, quia omnia iactitant, omnia pollicentur.' *Metalogicus*, lib. I. c. 4. Note that the Medicine taught both at Montpellier and Salerno is that of Hippocrates and Galen—not a hint of Oriental influence. John of Salisbury's estimate of the Medicos of his time is curiously like Molière's view of their

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the fame of Montpellier increased while that of Salerno decreased.

Its origin.

The origin of this School is wrapped in obscurity. It may have been an offshoot from Salerno. On the other hand, those who are fond of seeing 'Saracenic' influence at work in all the intellectual movements of the Middle Ages may here indulge their *penchant* with some plausibility. The origin of the town is traditionally connected with the destruction of the older city of Maguelone, and of the Saracenic power on the shores of the Mediterranean, by Charles Martel in 737, when the fugitives are said to have taken refuge at Montpellier; and there was a considerable Arabic as well as Jewish population in the town as late as the thirteenth century[1], while many of the original inhabitants were Spaniards who had long resided among the Moors[2]. It is possible that some tradition of medical science or skill may thus have survived the downfall of the Saracenic Empire, and may have accounted for the direction here taken by the general revival of the European mind in the twelfth century. Or again, somewhat less improbably, the new impulse may be ascribed more directly to contact with the flourishing Jewish and Arabic schools of Spain in the twelfth century, or with the Jewish Schools of Medicine at Arles and Narbonne[3]. The names of the

seventeenth century brethren. To the twelfth century also belong the lines (from a poem on Becket):

'Vicit Cantuaria Montem Pessulanum
Victa (et) Salernia jactant se in vanum.'

In du Méril, *Poésies Populaires Lat. du moyen-âge*, Paris, 1847, p. 91. Cf. also Matthew Paris, ed. Luard, V. pp. 453–4, 647. Extracts from the letters of a Montpellier student at the end of the twelfth century are printed in the *Cartulaire*, I. 700; Fournier, II. No. 880. Ægidius Corboliensis (*c.* 1198) tells of a certain Renaudus

'Qui Pessulani pridem vetus incola Montis
In medicinali doctor celeberrimus arte
Jura monarchiæ tenuit,'

who afterwards turned monk and attended the poor *gratis*. Leyser, *Hist. Poet. Med. Ævi*, p. 574.

[1] Germain, I. p. lxiv *sq.*

[2] They were attracted by the privileges offered by Louis the Pious, *Recherches sur Aristot.* p. 91.

[3] This is the view of Germain, I. p. lxx, and was apparently the tradition current at Montpellier in the time of Strobelbergerus. Prunelle traces the origin of the School

three Nations into which the legal University was divided —Provence, Burgundy, Catalonia[1]—are a sufficient indication of the districts from which Montpellier drew its students. At the same time the markedly ecclesiastical character of the School forms an objection to the theory that the earliest Montpellier Medicine was immediately derived from Jewish or Arabic sources, while there are no actual traces of the influence of the Arabic Physicians until the end of the thirteenth century, and even then Hippocrates and Galen were more studied than Avicenna and the Arabs[2]. In all probability the teaching of the School was originally based, like that of the Salerno Doctors, upon the works of the old Classical Physicians, Hippocrates and Galen. At Montpellier, unlike the *Civitas Hippocratica*, the importance of Galen seems always to have been greater than that of the older Physician[3]. The Montpellier medical tradition was perhaps a survival from the old Roman Municipium, just as the Medicine of

to the Arabs and Jews combined (p. 15). It is worthy of note, as a datum for further investigation, that there was a large settlement of Greeks at Marseilles during the ninth, tenth, and eleventh centuries. Jourdain, *Recherches sur Aristot.* p. 45. Marseilles also carried on an extensive commerce with the Saracens of Spain. *Ib.* p. 92. The Jewish traveller, Benjamin of Tudela (ed. Asher, vol. I. p. 33), before 1173, says of Montpellier, 'You there meet with Christian and Mahometan merchants from all parts.'

[1] *Cartulaire*, I. p. 319; Fournier, II. No. 947.

[2] In 1284 the *Canones de medicinis laxativis* were translated *viâ* the Hebrew under the direction of the Montpellier doctor, Armengaud, son of Blaise. Renan, *Averroës*, pp. 217, 218. Another argument against an Arabic origin is the tradition that a Montpellier doctor wrote against Averroës. Germain, *Commune*, III. p. 74. The introduction of the Arabic medicine seems to have been largely due to the influence of Arnauld of Villeneuve, on whose advice Clement V prescribed the books which every candidate for the Doctorate must possess. Arnauld is said to have travelled in Spain and to have known Hebrew and Arabic. Monteil, ed. Pileur, p. 68.

[3] In the books prescribed by Statute in 1309 and 1340 the works of Galen predominate over Avicenna. See below, p. 123. A later series of documents, extending from 1488 to 1555, show a greatly increased proportion of Arabic books. In 1494 of eight courses, five are upon Avicenna, two upon Galen, and only one upon Hippocrates (Germain, *La Méd. Arab.*, p. 10). It is not till 1534 that the tide begins to turn, under Renaissance influence, in favour of the Greeks again (*ib.* p. 12).

CH. VIII, § 1. Salerno was an inheritance from the days of Magna Græcia. We must, however, carefully distinguish between the influence of Arabs and Jews as transmitters and translators of medical works and the influence of their own somewhat over-estimated contributions to medical science. To suppose that the medical School at Montpellier was founded by disciples of Avicenna or Razes is quite inconsistent with what we know of the early traditions of the School. But it is quite conceivable that the earliest copies of Hippocrates and Galen studied at Montpellier may have been brought there by Saracens, or more probably Jews, and it is practically certain that they were (with very few exceptions) translated from Arabic versions[1]. But whatever be the exact origin of the School, we cannot be wrong in connecting the prominence of Medicine at Montpellier with the comparatively advanced state of material civilization in the rich and prosperous commercial cities in the countries bordering upon the Mediterranean. The study of Medicine prospered at Montpellier from the same causes which ensured its prosperity in Italy. Before the days of Mechanism, Medicine was the one branch of speculative knowledge which had a distinct commercial value.

Medical University. Not only the medical School but its organization in University form was much more ancient than the University of Jurists. The two Universities were always quite distinct from each other and from the University of Arts. The constitution of the University of Medicine is not, so far as we know, directly derived from any earlier model. A proclamation of Guillem II, Lord of Montpellier, in $1180/1$, allowing all who will freely to teach Medicine at Montpellier suggests that at present neither Masters nor Bishop possessed—or at least possessed undisputedly—the right of granting or refusing the *licentia docendi*[2], if its language does not positively

[1] See below, App. XXXI. The only exceptions are a few late Greek books.

[2] Guillem promises 'quod ego, de cetero ... non dabo concessionem seu prerogativam aliquam alicui persone, quod unus solus tantummodo legat, seu scolas regat in Montepes-

exclude the existence of a magisterial society. At all events the Masters soon began to imitate the guild-system already established at Bologna and Paris and probably at Salerno, while the Bishop claimed that authority over the Schools which was everywhere enjoyed by the Church north of the Alps. The ceremonies of graduation were more probably borrowed from Bologna than from Paris, if indeed the Medical University of Montpellier does not represent an almost independent application of the guild-principle to scholastic organization. The first allusion to the existence of a University of Medicine occurs in 1220, when the Statutes which speak of a 'Universitas medicorum tam doctorum quam discipulorum[1]' were confirmed by the Cardinal Legate Conrad[2]. By these Statutes it was provided, apparently for the first time, that the Bishop should appoint a Chan-

The Statutes of 1220.

sulano in facultate fisice discipline. . . . Et ideo mando, volo, laudo atque concedo in perpetuum, quod omnes homines quicumque sint, vel undecumque sint, sine aliqua interpellatione regant scolas de fisica in Montepessulano.' *Cartulaire*, I. p. 179; Fournier, II. No. 879. James I of Aragon in 1272 forbade Jews or Christians to practise Medicine at Montpellier who had not been duly examined and licensed. *Cartulaire*, p. 202; Fournier, II. No. 896. This *licentia practicandi* was distinct from the Doctoral Licence. *Cartulaire*, pp. 195, 217; Fournier, II. Nos. 891, 909.

[1] The phrase was often used at Paris and other Universities ruled by the Masters. The Statutes make it plain that all power was with the Masters; the Code is conceived entirely in their interest. The fact that a Master-University was established rather than a Student-University may possibly be due in part to the precedent of Salerno; but we know too little of the organization of Salerno to say whether it exerted any influence upon Montpellier. The system of examinations and graduation-ceremonies resembled in the main those of Bologna. At inception the Doctor was girt with a golden cincture in addition to the other *insignia*. (Fournier, II. No. 1194.) It is worth noting that a S. Andrews Doctor of Medicine still wears the cincture.

[2] *Cartulaire*, I. p. 180; Fournier, II. No. 882. They were confirmed in 1239 by another Legate (*Cartulaire*, I. p. 185; Fournier, II. No. 884); and in 1240 we find the Masters appointing arbitrators to interpret or modify these Statutes. It seems that this is the first attempt at legislation on the part of the Society itself, and we hear of no more Statutes made in this way till 1313. *Cartulaire*, I. pp. 186, 229; Fournier, II. Nos. 885, 914. Fournier (*Hist.* III. p. 353) speaks of the Statutes as 'en partie extraits de ceux de Salerne de 1231.' The traces of indebtedness seem to me extremely slight.

CH. VIII. § 1. Chancellor.

cellor to preside over the University. The Chancellor was to be nominated by the Bishop together with three Masters —the senior among them and two others named by him and the Bishop [1].

The Montpellier Chancellorship offers the nearest parallel that any continental University presents to the Chancellorship of Oxford, established in like manner by Legatine authority only six years before [2]. The powers of the Chancellorship were, however, much more limited than those attached, even at its first institution, to that office in the English Universities. The Chancellor of Montpellier resembled the Chancellors of Oxford and Cambridge in being the presiding officer of the University as well as the representative of the Bishop, and also in the absence of connexion with any capitular body. But at Montpellier the Chancellor's jurisdiction was purely civil. Maguelone was nearer to Montpellier than Lincoln to Oxford, or even Ely to Cambridge. Here the Bishop always reserved to himself the criminal and spiritual jurisdiction over Masters and scholars, an appellate civil jurisdiction, and also the right of conferring the Licence. Even in the absence of the Bishop, he was represented not by the Chancellor but by his ordinary Official. All Statutes required the episcopal confirmation. It was not till the fourteenth century that the Masters obtained any legal control over the Bishop and the Examiners of his choice in the admission to the Licence and Doctorate. Indeed, in 1289, we hear of the Bishop imprisoning Examiners who refused to pass a candidate until they withdrew their objections. These arbitrary proceedings led to an appeal to the Holy See [3], and at length,

[1] 'Episcopus Magalonensis, adjuncto sibi antiquiore magistro, et postea aliis duobus eis adjunctis magistris discretioribus et laudabilioribus, juxta testimonium extrinsecus et secundum conscientiam propriam, eligat cum predictis sibi adjunctis unum de magistris, sive sit de illis tribus sive de aliis, qui justitiam exhibeat magistris et scholaribus, vel aliis contra magistros vel scolares agentibus, querimonia apud eum deposita.' *Cartulaire*, p. 181; Fournier, II. No. 882.

[2] See below, p.

[3] *Cartulaire*, I. pp. 209, 213; Fournier, II. Nos. 902, 904.

in 1309, a Bull of Clement V required the assent of a two-thirds majority of the Masters of the Faculty for the conferment of the Licence, and by another Bull of the same date the concurrence of a two-thirds majority was likewise made necessary for the election of the Chancellor[1].

The Proctors.

Nor does the parallelism with Oxford end with the Chancellorship. As at Oxford, the Masters are more directly represented by two Proctors, the office circulating among them. The functions of these Proctors were primarily financial[2], as originally were those of the Proctors of Paris and Oxford: but the existence of a Dean in the Medical Faculty at Montpellier, who was always the senior Doctor and ranked next to the Chancellor, restricted the functions of the Proctors to this their original department[3]. There was also a third Proctor appointed by the students, and after 1533 two *Consiliarii*, one of whom was a Bachelor, the other a student[4].

The Dean.

The Student-Proctor and Consiliarii.

Restricted powers of the Student-Congregation.

The earlier Statutes appear to be made by the Masters and to contemplate no limit to their authority: but by 1340 the democratic spirit seems to have so far spread from the legal to the medical University that any alteration of the Statutes which affected the students now requires their consent as well as that of the Masters[5]. The rights

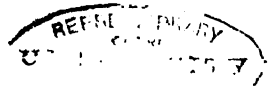
[1] *Cartulaire*, I. p. 222; Fournier, II. Nos. 911, 912. At times, however, we find the Pope 'reserving' the Chancellorship to himself. *Cartulaire*, I. pp. 250, 254; Fournier, II. Nos. 925, 926. Each Master could license his own Bachelor and present him to the Rector. *Cartulaire*, I. p. 187; Fournier, II. No. 885.

[2] *Cartulaire*, I. pp. 341, 343; Fournier, II. No. 947 *quater*. The Senior Master is entrusted with certain functions by the Legate in 1220, though the name Decanus does not appear.

[3] Another parallel with Oxford is the use of the Oxford term 'cetus magistrorum' which I have rarely noticed except at Montpellier and Oxford. *Cartulaire*, I. p. 229; Fournier, II. No. 914.

[4] Germain, *École de Méd.* p. 26; *Cartulaire*, I. p. 68. The student Proctorship was suppressed in 1550, but the Consiliarii still retained the right of petition and remonstrance against the irregularities of the Doctors. The Consiliarii, who at this time were actually appointed by the Doctors from among the students, were abolished in consequence of a revolutionary movement among the students in 1753. From other evidence, however, it would appear that they were selected by lot from among the Bachelors.

[5] *Cartulaire*, I. p. 367: Fournier, II. No. 947 *quater*. At the same time



CH. VIII, § 1. of the students do not, however, appear to have been in practice very extensive. It was only twice a year that the Chancellor summoned an assembly of the entire University of Masters and scholars[1] in the Church of S. Firmin, when the students conferred with the Doctors as to the arrangement of a lecture-list for the ensuing Session, and an opportunity was afforded for the general ventilation of student-grievances. We find the students at these assemblies petitioning that lectures should be given on such and such a book[2]. The student Proctor was moreover at any time at liberty to remonstrate with a Doctor negligent in the performance of his duty, or otherwise infringing upon the rights of the students[3]. But, if their demands were neglected, the University of Students had no power to fine or suspend a Doctor after the summary fashion in vogue at Bologna: they could only carry their complaint to the College of Doctors or to the superior ecclesiastical authorities. This Montpellier system of consultation and co-operation between teachers and students in the arrangement of lectures constitutes one of the few pieces of medieval student-autonomy which might possibly be imitated with advantage by the modern University reformer.

The period of study required for the Bachelorship in Medicine was fixed in 1340 at twenty-four months of actual

all previous Statutes are quashed, even though 'de voluntate Magistrorum et Scolarium, *conjunctim vel separatim*,' which points to previous collisions between the rival powers.

[1] The earliest record of such a meeting is in 1332 'de quadam campana facienda, emenda et ponenda.' *Cartulaire*, I. p. 287; Fournier, II. No. 940. It was perhaps for purposes of extraordinary taxation such as this that the consent of the students was considered necessary.

[2] Germain, *École de Méd.* p. 80 *sq.*

[3] An illustration may be taken from the extant *Liber procuratoris studiosorum*: 'Anno Domini XV^{c}XXVIII°, et die IX^{a} novembris, conquerentibus studentibus medicine doctores ob malitiam non legere, ego viceprocurator cum consiliariis ad eos accessi simul cum notario et testibus, quos rogavi ut legerent, ut tenentur, alioquin, prout penes me habetur, apud superiorem querimoniam facerem; qui responderunt ut continetur in archivis notarii.' Germain, *École de Méd.* p. 31. So in 1579 the 'Consiliarii, studiosorum nomine, conquesti sunt apud R. D. doctores, quod R. D. Saporta illos omnes vocasset asinos.' *Ib.* p. 38.

attendance at Lectures[1]. Ordinary Lectures ceased at Easter; it was customary for Bachelors and the senior students to spend the whole of the summer in practice, often at a distance from Montpellier[2]. Indeed, before taking the degree of Bachelor in Medicine a student had to go a round of visits to the sick accompanied by his own Doctor, under whose supervision he apparently experimented upon the patients[3]. The Doctor's degree was obtainable in five years by Masters of Arts, in six years by other candidates[4].

CH. VIII, § 1. Requirements for Degrees.

In 1309 Pope Clement V, by the advice of his Montpellier Physicians, Arnauld of Villeneuve and others, prescribed the following as the books which candidates for the Licence must possess—Galen, *De complexionibus*, *De malicia complexionis diverse*, *De simplici medicina*, *De morbo et accidente*, *De crisi et criticis diebus*, *De ingenio sanitatis*, together with either the books of Avicenna or those of Razes, Constantinus Africanus, and Isaac, with commentaries thereon. He must further have 'read' as a Bachelor three books, one with and one without comments, selected from the following list—the *Tegne* of Galen, the Prognostics of Aratus, the Aphorisms of Hippocrates, the *De regimine acutorum* of Johannicius, the *liber febrium* of Isaac, the *Antidotarium* (? of Nicolaus), the *De morbo et accidente* of Galen, and the *De ingenio sanitatis* of the same writer[5].

Regulations of Clement V, 1309.

It may be well to add the list of books appointed as subjects for lectures in 1340, arranged in courses, each of which was to be taken by one Doctor:—

Books.

(1) Primus Canonis [Avicennae].

(2) Liber de Morbo et Accidente [Galeni] et [de] Differentiis Febrium [Galeni].

[1] *Cartulaire*, I. p. 351; Fournier, II. No. 947 *quater*.

[2] *Cartulaire*, I. pp. 70, 617: Fournier II. No. 1025.

[3] See the Statute limiting the number of students who might accompany the candidate to six. *Cartulaire*, I. p. 716; Fournier, II. No. 1057.

[4] According to the earlier Statute of 1309. *Cartulaire*, I. p. 220; Fournier, II. No. 910. A College Statute allows nine years for the whole course. *Cartulaire*, I. p. 618; Fournier, II. No. 1025.

[5] *Cartulaire*, I. p. 220; Fournier, II. No. 910.

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(3) Liber de Crisi et criticis diebus et de Malicia Complexionis diverse [Galeni].
(4) Liber de Simplicibus Medicinis et de Complexionibus [Galeni].
(5) Liber de Juvamentis Membrorum et de Interioribus [Galeni].
(6) Liber Amphorismi [Hippocratis] cum Regimine Acutorum [Hippocratis] vel de Prognosticis [Arati].
(7) Liber de Ingenio [Sanitatis] et ad Clauconem [Galeni].
(8) Quartus Canonis [Avicennæ], 'quoad duas primas seu cum Johannicio de Pulsibus et Urinis Theophili.'
(9) Tegni [Galeni] cum Prognosticis [Arati] et Regimine Acutorum.
(10) Liber de Regimine Sanitatis [Doctorum Salernitanorum] et de Virtutibus naturalibus [Bartholomei Anglici].

Upon these books there were always to be lectures; if the number of Doctors sufficed, there might be lectures on other parts of the Canon, other books of Galen or the *De febribus* and *De dietis universalibus* of the Jew Isaac [1].

II. *The University of Law.*

The Law School of Placentinus.

The Law School of Montpellier traces its origin to Placentinus, one of the most distinguished of the Jurists of the second generation from Irnerius [2]. After teaching at Bologna and at Mantua, he was driven about the year

[1] *Cartulaire*, I. pp. 347, 348. Fournier's transcript (No. 947) is defective. For a more exact identification of these books, see below, App. XXXI.

[2] He was a pupil of Martinus (Sarti, 1888, T. I. pt. i. p. 77). Placentinus himself tells us how at Montpellier it occurred to him 'tyronibus legum introductiones ad libros juris majores componere, Institutionum summas conficere.' See the passage quoted by M. Castelnau in *Mém. de la Soc. archéol. de M.* T. I. p. 481 (Savigny has mistakenly altered the text and sense). Roffredus of Beneventum tells us that 'dominus Henricus de Baylâ' (whom he declares to be the author of some of the glosses ascribed to 'Yr.') 'qui erat contraria opinione, de nocte assilivit dominum P., et sic timore illius recessit de Bononia et ivit ad Montem-Pessulanum.' He afterwards taught at other places but died at Montpellier. A Provençal chronicler gives 1182 as the date of his death, adding, 'loqual fu lo premier doctor que jamays legi en Montpellier.' An

1160 to seek an asylum at Montpellier by the jealousy of less distinguished colleagues. The memory of Placentinus was ever kept alive at Montpellier. The University of Law in after days chose S. Eulalia, the Saint commemorated on the day of his death, for its Patroness: the mace of the Bedel was tipped with his image, and down to the days of the Revolution the Hall of the Faculty bore the inscription *Aula Placentinea*[1]. But it is impossible to trace a complete continuity between the School founded by Placentinus and the later University. Bassianus[2] is the only important Jurist who is known to have taught here between the time of Placentinus and the third decade of the thirteenth century. It was, it would seem, about the year 1230 that Doctors and Students of Law began to multiply at Montpellier—partly, perhaps, on account of the difficulties with the City at Bologna[3]. The Bishop immediately claimed the same control over the conferment of Licences in Canon and Civil Law which he had always enjoyed in Medicine: he procured a Royal brief enforcing his claims, and authorizing him to demand of graduates an oath of obedience to his See[4]. In 1268, however, King James of Aragon put in a claim to bestow a Licence without the consent of the Bishop, and actually granted such a Licence to one Guillaume Séguier. The Bishop excom-

Ch. VIII, § 1.

Rise of University *c.* 1230.

epitaph, of which the original is lost, gives 1192. *Ib.* pp. 481–2. M. Fournier declines to believe 'que Placentin vint à Montpellier sans être assuré de trouver un élève' (*Hist.* III. p. 350). Would it not be possible at this rate to prove that no School ever had a beginning? The already existing School of Medicine would be much more likely to suggest Montpellier than its fame as a 'centre . . . d'études juridiques qui se rattachaient à l'étude du Talmud.'

[1] Germain, I. p. lxxiii.

[2] Not, as Germain (III. p. 9), Azo. The true reading of the gloss on which Germain depended is 'Baz,' not 'Az.' See Denifle's note (I. p. 344).

[3] In 1268 Clement IV says to the King of Aragon: 'Constat enim Magalonensem episcopum a longissimis retro temporibus dedisse licentiam in aliis Facultatibus . . . et si non consuevit in ista [*sc.* Juris Civilis], quia nec etiam petebatur, nec petendi erat occasio, ubi nec studentium vel discentium numerus exigebat.' *Cartulaire*, I. p. 201; Fournier, II. No. 894. But licences were certainly granted in 1230, though it is clear that graduations had been very exceptional.

[4] *Cartulaire*, I. p. 184; Fournier, II. No. 883.

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municated Séguier; and there was an appeal to Rome. It is certain that at this time there was a fully organized College of Doctors in Law and a body of Statutes made by the Bishop and Doctors. Clement IV ingeniously put a stop to the quarrel without sanctioning the Royal pretensions by making the intruder a Doctor at Rome [1]. In 1285 a Legatine decree established the rights of the Bishop [2], and in 1289 Nicolas IV formally ordained the creation of a Studium Generale at Montpellier and conferred upon its Doctors the *jus ubique docendi* [3]. Although this Bull is expressed in the ordinary terms of a Bull of foundation, there can be no doubt that the Studium had long been treated as 'general' both by custom and by express Apostolic recognition [4]. It is true, however, that Montpellier had only recently become important as a School of Law: and the recognition of its degrees may have been less decisive and universal in this Faculty than it was in Medicine [5]; though it must be remembered after all that it was a dispute between the legal University and the Bishop which led to the issue of the Bull.

Constitution of the Jurist University.

We have no precise information as to the organization of the Law University before the year 1339. It is pretty

[1] *Cartulaire*, I. pp. 199-202; Fournier, II. Nos. 894, 895. Séguier had been unable to graduate at Bologna 'propter dissensionem inter . . . archidiaconum Bononie . . . et scolares inibi studentes.' He afterwards committed a murder, but the Consuls acquitted him 'quod est sexagenarius et fame probate.' Fournier, II. No. 1215.

[2] *Cartulaire*, I. p. 208; Fournier, II. No. 900. It is provided that those licensed 'officium magisterii libere valeant ubilibet infra legationis nostre terminos exercere.'

[3] *Cartulaire*, I. p. 210; Fournier, II. No. 903.

[4] Denifle (I. pp. 352-3) says that possibly it had not the *jus ubique docendi* in Law till 1289, and that there were no promotions in Law till that date, though he admits that it was considered 'general' in both Faculties before that.

[5] This is more than we can lay down with absolute certainty. In 1256 the Pope had spoken of the 'studium, quod ibi *sollempniter* regitur' (*Cartulaire*, I. p. 194; Fournier, II. No. 889), and the Bull of 1289 expressly erects a Studium Generale in Medicine and Arts as well as in Law; hence its terms can no more be used to show that it was not a Studium Generale in Law than in Medicine. If the argument is good for anything, it will prove that there was no Studium Generale before this, even in Medicine.

evident that the Bishop at first attempted to govern the Studium on much the same lines as those upon which the University of Medicine had always been ruled. In 1292, for instance, he refused to seal some projected Statutes presented to him by the Doctors on the ground that he was shortly coming to Montpellier and would then confer with them about the matter[1]. But the students, many of whom from time to time would, no doubt, have studied at Bologna, in time began to raise the cry of student-right against both Bishop and Masters. In 1320 there is a significant proclamation of the Bishop against 'secret conventicles and congregations,' 'confederations and colligations' of the students, and against hostile risings of the 'scholars of one province against the scholars of another[2].' It seems as if the scholars were in the act of forming themselves into Nations or Student-universities independently of the Bishop or the Doctors. It is to be observed that only a year before the Pope had quashed a Statute recently made by the Rector and University[3], and this is the first allusion to the Rectorate. At last by the year 1339 the triangular quarrel between the Bishop, the College of Doctors[4], and the Rector and University of students had led, as such quarrels were wont to lead, to cessations, excommunications, and appeals to Rome. The mutual rights of the parties were now adjusted by Statutes framed on the model of those of Bologna, by the Cardinal Legate Bertrand di Diaux. The constitution which results from these Statutes (the earliest which we possess for the Jurist University[5]) is a Student-

[1] *Cartulaire*, I. p. 216; Fournier, II. No. 905.

[2] *Cartulaire*, I. p. 247; Fournier, II. No. 923.

[3] *Cartulaire*, I. p. 239; Fournier, II. No. 922. The statute required candidates for the Licence to pay a certain sum to each Doctor unless he performed his 'solemne principium' within a certain time. It was no doubt objected to by the Bishop; but it was clearly in the interest of the Doctors.

[4] For another subject of contention, see *Cartulaire*, I. p. 236; Fournier, II. No. 918.

[5] *Cartulaire*, I. p. 296 *sq.*; Fournier, II. No. 947. Fournier (*Hist.* III. p. 417) discusses elaborately, but not very satisfactorily, the relation between the *Collegium Doctorum utriusque juris* (headed by their Prior) and the

CH. VIII, § 1.

University of a very modified type—modified by the inclusion of the Doctors in the Guild and by a tolerably jealous assertion of the episcopal supremacy over the Studium. In its main outlines these Statutes no doubt represent the *de facto* constitution of the Studium before their enactment.

Legatine Statutes of 1339.

The Rector is to be elected from among the Doctors by the outgoing Rector and Councillors: he is to be confirmed by the Bishop, who is required to grant the confirmation as a matter of course; but the Rector is to swear obedience to the Bishop, and his power of decreeing a cessation without the consent of the Bishop is limited to a period of eight days. The Doctors are only enjoined to swear before the Rector to give their lectures according to the Statutes, but do not take a general oath of obedience to the Rector and University as at Bologna. There are to be twelve *Consiliarii*, one elected from the Chapter of Maguelone, one from the town—that is, presumably the students who were natives of the town—the rest 'according to Nations and provinces of Nations, as hitherto observed.' These Nations were (as has been mentioned) Provence, Burgundy, and Catalonia: the Rector being elected from each Nation in turn [1]. The Councillors were in practice usually Licentiates or Bachelors. In this University, as in many others of the same type, it is curiously difficult to determine with what authority the power of Statute-making ultimately rested. It is clear enough that the ordinary governing body of the University was the Rector and his

Facultates of Canon and Civil Law. It is clear that there was a close and limited College of Regent Doctors (to whom were no doubt reserved the rights of a 'Faculty of Promotion'): but they did not enjoy the same monopoly of ordinary Lectures as at Angers and Orleans. The exact extent of their privileges must be left doubtful. I see no reason for calling into existence (with Fournier, *Hist.* III. p. 418) a Prior of each Faculty (Canon and Civil Law) in addition to the Prior of the joint College. In 1341 the Bishop attempted to give the *insignia* to a Doctor as well as to license him (*Cartulaire*, I. pp. 399-400; Fournier, II. No. 958). The sequel is not known: but the later practice certainly was for this to be done by a Doctor.

[1] *Cartulaire*, I. p. 319: Fournier, II. No. 947.

Councillors, and the Statutes were promulgated by the Rector with the consent of the Council. But sometimes the 'advice' of the Doctors is also mentioned, and sometimes also that of many nobles and other 'notable persons.' Occasionally these persons formally claim to be the 'major and saner' part of the whole University; but it is clear that, if the whole body of students was ever summoned and allowed to exercise any real voice in legislation, this was an exceptional rather than an ordinary method of procedure. It must be remembered that even in the University of Bologna itself Statute-making was an affair of very rare occurrence, and even the Statutes were made only by the nominees of the students, not by the students themselves. Finally, it must be observed that at Montpellier, even after the students had obtained the Constitution of 1339, important Statutes still seem to require the consent of the Bishop [1].

Jurisdiction.

The Statutes contain nothing about the jurisdiction in cases of scholars, which remained with the Bishop [2]. Throughout the history of Montpellier the relations between citizens and students were somewhat exceptionally strained; but we must forbear to enter into the details of such quarrels. The great subject of contention was the right claimed by the students to import wine into the town in spite of the protective system which excluded all wine except that grown on the land of citizens [3].

[1] Fournier, II. Nos. 1081, 1111 *sq.* The appointment of a Master of the Ceremonies (*Preceptor ceremoniarum*) in 1491, to marshal processions, &c., is a feature which I have not noticed elsewhere. Fournier, II. No. 1195.

[2] *Cartulaire*, I. p. 403. Afterwards in 1351 the Royal *Judex Parvi Sigilli* was made Guardian or Conservator of Privileges, with a certain jurisdiction including the taxation of houses which had for many years been taken away from the ordinary Taxors (*ib.* pp. 424, 430, 482; Fournier, II. Nos. 976, 980). A special body of 'Guardians' for the Medical University were appointed in 1395 (*Cartulaire*, I. p. 670). There is no mention of Conservators Apostolic till the time of Martin V (1421). Fournier, II. No. 1089.

[3] *Cartulaire*, I. p. 332; Fournier, II. No. 947, &c.

III. *The University of Theology.*

CH. VIII, § 1.

The regular Orders made a practice of establishing their Studium Generale or chief School of Theology for the province in the towns where there was a secular University, even where there was no secular Faculty of Theology. A College was founded for the Carthusian monks of Valmagne by James I in 1263[1]. And round this nucleus it would seem that something like a Studium of Theology grew up[2], though it is certain that there was no graduation in Theology or *jus ubique docendi*[3] till the Bull of Martin V in 1421, which created a Studium Generale in Theology with the Bishop as Chancellor. Its students remained members of the legal University; its Masters formed a College with a Dean of their own[4]. It is just worth noticing that Regulars were not at Montpellier, as in most Universities, excluded from the Rectorate. In the declining days of the School the monastic Colleges formed too large an element in the University to be ignored. There were not too many students at Montpellier as well off as a Benedictine Prior[5].

IV. *The University of Arts.*

Arts held the subordinate position which they had everywhere in the Law Studia, but there was a regular University of 'Doctors and students in Arts' at least as early as 1242,

[1] *Cartulaire*, I. p. 197 *sq.*; Fournier, II. Nos. 892, 893.

[2] King John of France in 1351 granted to the Bedels of the 'Societas' of Theological Masters the right of carrying silver staves like the Bedels of the other Faculties. *Cartulaire*, I. p. 428.

[3] The Bull of 1289 does not mention Theology; yet a Bull of 1364 for the College of S. Ruf speaks of Montpellier as a 'studium generale' in Theology as well as Canon Law, and the students were certainly to graduate in Theology (*Cartulaire*, I. p. 464 *sq.*; Fournier, II. No. 992). But the Bull may mean a 'studium generale' of the Order, and monastic students educated elsewhere often graduated at Paris. Or the College may have been founded in anticipation of a Studium Generale in Theology, for which the City petitioned, *circa* 1365, *Cartulaire*, I. p. 474; Fournier, II. No. 994. Cf. Denifle, I. 348; Germain, III. 63.

[4] Fournier, Nos. 1092, 1112. At the same time the Pope conferred the 'Jus non trahi extra' (*ib.* No. 1095) and many other privileges.

[5] Fournier, II. No. 1081.

the date of an extant Code of Statutes[1]. These Statutes, like all very early Statutes, are extremely short and simple: but they are sufficient to exhibit one or two very striking constitutional peculiarities. The Statutes are not made by the Masters, but imposed upon them by the authority of the Bishop. There is no trace of a Student-university, except that after the Dean, who is the Head of the Faculty, there is mentioned a 'Rector of the said University.' This Rector is a Master, and it is improbable that he was elected by the students. After the French annexation, the School of Arts was placed under the more direct control of the Consuls, and the single Regent of Logic and Grammar received a Municipal salary. The Faculty, though it continued to give degrees, became really—as in many other French provincial Universities—little more than a Grammar-school[2]. CH. VIII, § 1.

The Colleges at Montpellier were, (1) the College of Valmagne, already mentioned (1263); (2) the College of Brescia or Pézenas, founded in 1360 by Bernard Trigard, Bishop of Brescia[3]; (3) the College of S. Ruf, founded in 1364 by Cardinal Angelico Grimouard, brother of Urban V, for eighteen Canons Regular of the Monastery of S. Ruf at Valence[4]; (4) a Benedictine House, partly Monastery, partly College, and known as the College of S. Benedict, founded in 1368 by the Benedictine Pope Urban V (who had been a Montpellier student), and dependent upon the Abbey of S. Victor at Marseilles[5]; (5) the College of Mende or des Douze-Médecins, also founded by Urban V in 1369 out of Church property, for the benefit of his native diocese of Mende—perhaps the first purely medical College in Europe[6]; (6) the College founded by Michael Boel, Colleges

[1] *Cartulaire*, I. p. 190.

[2] Faucillon in *Revue Archéol. de M.* T. IV. p. 248; Fournier, II. No. 1197.

[3] Fournier, II. No. 1067.

[4] *Cartulaire*, I. pp. 464, 495; Fournier, II. Nos. 992, 1006, 1218.

[5] *Cartulaire*, I. p. 492; Fournier, II. No. 1004.

[6] *Cartulaire*, I. p. 551; Fournier, II. No. 1010. The Statutes (*Cartulaire*, I. p. 609 *sq.*; Fournier, II. No. 1025) are the only College Statutes I have noticed which prescribe minimum hours of study, *i.e.* lectures for three 'horas magistrales,' one or more 'horas licentiatorum seu bacal-

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Physician, for Medicine, in 1421 [1]; (7) the College of Gironne or Aragon or du Vergier, partly legal and partly medical, founded in 1460–68 by Jehan Brugère, Master of Medicine, and Jehann du Vergier, President of the Parlement of Languedoc [2]. Besides there were of course, as in most University towns, the Convent-colleges of the four great Mendicant Orders.

Medical fame.

We have seen that in the twelfth century Montpellier was already one of the great Studia of Europe—all but on a level with Paris, Bologna, and Salerno. This position it retained till about the middle of the fourteenth century. The growing influence of the Arabic medicine, with its astrological and alchemistic absurdities, may represent a real retrogression in Medical Science [3]: but it in no way diminished the fame of Montpellier. Rather its fame was enhanced by the decline of the 'Civitas Hippocratica.' No medieval Physicians stood higher than Arnauld of Villeneuve, Bernard de Gordon [4], and the other Montpellier Doctors of this period; and, on the other hand, it was just at the moment when the Arabic influence became predominant that a new era in the history of Surgery was introduced by the Montpellier Physician Gui de Chauliac [5]: here the men of the later Middle Age unquestion-

lariorum,' and three hours' private study before supper. The Rector was the senior student and held office for three years.

[1] Fournier, II. No. 1088. The document is simply a bequest. Nothing seems to be known as to its actual execution.

[2] Fournier, II. Nos. 1167, 1169, 1170. The College of Gironne has sometimes been mistakenly made a distinct College from the College du Vergier. The Statutes are remarkable as giving the Patron absolute authority over the College and its administration.

[3] Prunelle, p. 20 *sq.* Raymundus Lullius was a pupil of Arnauld of Villeneuve, whose medicine was highly alchemistic (*ib.* p. 38). Sometimes the Montpellier Physician descended lower than alchemy. Gerson has occasion to denounce a Montpellier Physician who recommended a talisman for kidney-disease. Astruc, pp. 91, 212.

[4] Known as the author of the *Lilium Medicinæ*, printed at Frankfurt in 1617, Venice 1496, and elsewhere.

[5] Author of a treatise on Anatomy styled *Inventorium seu Collectorium in parte Chirurgicali scientiæ Medicinæ*, published in 1367. Aigrefeuille (1737) II. p. 346. Cf. Prunelle, p. 43 *sq.* This same Physician, so really eminent in

ably advanced beyond the Arabs and the Jews, with whom the superstitious horror of mutilating a corpse forbade much progress in Anatomy or Surgery. The same superstition had been shared by the Christian Church[1]; but the Statutes of 1340 provide for at least one 'anatomy' in two years[2]. The results even of the scanty opportunities for anatomical study thus afforded were by no means contemptible. It is said that operations were successfully performed in medieval Montpellier which were unknown to surgical practice at the beginning of the present century, and cures effected of diseases then regarded as incurable[3]. It should be added, as an illustration of the influence of the works of the ancient physicians upon medical progress, that most of the operations or remedies adopted by Gui of Chauliac appear to have been known to the ancients and adopted by him from their writings.

Decline of Montpellier.

After the middle of the fourteenth century a rapid decline is discernible in the position of Montpellier. In 1362 the University of Law complains bitterly to its *alumnus* on the Papal throne, Urban V, that whereas it once possessed 1000 students there were now scarcely 100[4]. The Colleges founded by Urban V and other acts of patronage seem to have produced a slight revival. The

Surgery, accounted for the plague of 1348 by a conjunction of Saturn, Jupiter, and Mars (Germain, III. p. 119). The fact that Surgery was practised by Physicians shows the superior position of the art as compared with the position it held at Paris. The Surgeons were not, however, usually Physicians. By an edict of Charles VI in 1399 the practice of Surgery is forbidden without the licence of the Consuls granted after examination by the *Magistri Jurati*. *Cartulaire*, I. p. 682; Fournier, II. No. 1055.

[1] The mutilation of corpses had been forbidden by Boniface VIII. (*Extravag. commun.* lib. III. tit. vi. cap. i.)

[2] *Cartulaire*, I. p. 344; Fournier, II. No. 947 *quater*. In 1376 increased to one a year. (*Cartulaire*, I. p. 569; Fournier, II. No. 1020.)

[3] Prunelle's treatise contains a number of details of great interest. He (p. 43) says of Gui de Chauliac that he 'pratiquoit la plupart des opérations qui sont encore en usage. Celles de la cataracte, de la taille lui étoient familières. Ce fut lui qui releva la méthode de Celse,' &c. Among the diseases, since regarded as incurable, which Gui treated successfully are cancerous tumours, which he is said to have cured by means of arsenic. *Ib.* p. 44.

[4] *Cartulaire*, I. p. 450 *sq.*

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roll of petitioners for benefices despatched to Clement VII in 1378 still shows the names of some 380 graduates and students in Law, but the medical roll contains only fifty-six names[1]. Of course the roll only contains the names of ecclesiastics, who in the case of the medical students would hardly be a large majority. About 1390, however, we find the University complaining bitterly of its diminishing numbers[2]. Many causes may be assigned. The French annexation, the consequent estrangement from Spain, the growth of rival Universities at Perpignan and elsewhere, may have had some effect[3]. But it is more important to notice that the system of Salaria was never introduced at Montpellier till the close of our period, which must have made it difficult for the University to compete with better endowed institutions. Nor did the restriction of the ordinary lectures to a small number of specially appointed Professors answer the purposes of an endowment as in some other French Universities. As a School of Law the fame of the University disappears after the fourteenth century. But the importance of its medical School

[1] *Cartulaire*, I. p. 578 *sq.*

[2] About 1390 (*Cartulaire*, I. p. 649; Fournier, II. No. 1060) the Medical students petition the Consuls and Royal Councillors against the Masters, who have nearly ruined the University by their 'exhigua diligentia et effrenata cupiditas obcecantis avaricie,' and the promotion of 'appothacharios et barbitunsores ignaros.' How low the University had sunk in the fifteenth century may be gathered from the ruinous condition of the Collége des Douze-Médecins in 1422, when we find a student describing himself as 'unicus collegiatus honorabilis collegii dominorum [? *leg.* duodecim] medicorum.' Fournier, II. No. 1100; Guiraud, *Le Collége des Douze Médecins*, p. 24. The rebuilding of the College in 1494 (Guiraud, p. 27) is a sign of life in the University.

[3] I see no reason whatever for ascribing the decline of the University with Fournier (*Hist.* III. p. 389) to 'le pouvoir trop absolu de l'autorité ecclésiastique.' For (1) this power was not greater, but on the whole less, in the second half of our period than in the first, and (2) this power was not greater at Montpellier than in some Universities, *e.g.* Angers and Orleans, which continued flourishing. Equally little ground is there for attributing it (with Germain) to the hostility of the Consuls. It must be remembered that the fifteenth century was a period of decadence in the Universities generally, though not equally so everywhere. I do not see any evidence that the Pope nominated Professors here (*Hist.* III. p. 486).

was by no means at an end. The Renaissance introduced a period of revived activity; and this revival was powerfully stimulated, under the influence of their Montpellier Physicians, by Charles VIII and Louis XII. The latter in 1498 made an annual grant of 500 *livres* to the Studium, 400 of which were to be devoted to providing salaries of 100 *livres per annum* for four Doctors[1]. Sooner or later the old system of an unlimited number of unendowed Regents everywhere broke down. When it was not supplanted by endowment, University teaching was superseded (as at Paris and Oxford) by the College system.

Continuance of Medical fame of Montpellier.

The influence of the Renaissance was as much felt in the Schools of Medicine as in those of Theology and Arts. In 1537 a new era is marked by the announcement of a course of lectures upon Hippocrates in the original Greek by the illustrious Rabelais[2], and from this time the Greek influence again becomes predominant at Montpellier, though lectures on the Arabic Physicians occasionally make their appearance upon the Lecture-lists up to 1607[3]. In the seventeenth century Montpellier still continued to be a formidable rival to Paris[4], and to attract students from distant countries. Our own Sir Thomas Browne studied at Montpellier as well as at Padua and at Leyden. The

[1] Fournier, *Hist.* III. p. 400; *Statuts*, II. No. 1209. Among other favours granted by Charles VIII was a prohibition to the Master Chirurgeons of Montpellier in 1486 to make new 'Masters in Chirurgery' unless they had been examined and approved by the Chancellor or Dean and one Doctor named by the Faculty (Fournier, II. No. 1186).

[2] 'D. Franciscus Rabelæsus pro suo ordinario elegit librum prognosticorum Hippocratis quem Græce interpretatus est.' *Liber Lectionum*, ap. Germain, *La Méd. Arabe*, p. 15.

[3] Germain, *École de Méd.* pp. 93, 94. The Arabic authors were, however, struck out of the 'books required for the Schools' on the petition of the students in 1567. (*Ib.* p. 75.) How faithful the School remained to the Greek tradition may be inferred from the fact that in 1673 a Doctor was required on pain of suspension to cease teaching a doctrine contrary to that of Hippocrates, Aristotle, and Galen. The Medical teaching continued to consist chiefly in lectures upon the Greek texts till the eighteenth century, when they take a subordinate place. (*Ib.* p. 100.)

[4] Especially during the short period at the beginning of the seventeenth century, when Montpellier was Protestant. At this time the Law-School revived under Pacius and other eminent teachers. Casaubon was here from 1596 to 1599.

CH. VIII, § 2. constitution of the University, with all its ecclesiasticism and medievalism, survived with few changes till the Revolution: and even at the present day a tradition of the extinct University seems to place the 'Faculty of Montpellier' at the head of the French provincial Schools of Medicine.

§ 2. ORLEANS.

LE MAIRE, *Histoire et Antiquitez de la Ville et Duché d'Orléans* (Orléans, 1648), p. 332 *sq.*, traces the University back to the Druids, but prints a few documents. GOYON, *Hist. de l'Église d'Orléans* (Orléans, 1650), contains scattered notices. The principal modern work is BIMBENET, *Histoire de l'Université de lois d'Orléans*, Orléans, 1853; also *Les écoliers de la nation de Picardie et de Champagne à l'Univ. d'Orléans*, in *Mém. de la Soc. arch. de l'Orléanais*, T. XX. (1885); and *Chronique historique extraite des Registres des Écoliers Allemands*, in *Mémoires de la soc. d'agriculture, sciences, &c., d'Orléans*, 1874. LOISELEUR has an article on *Les Privilèges de l'Universite de lois d'Orléans*, in *Mémoires de la Société Archéologique de l'Orléanais*, T. XXII. (1889). A most interesting account of the earlier Schools of Rhetoric and Grammar is given by LÉOPOLD DELISLE in the *Annuaire Bulletin de la Soc. de l'Hist. de France*, T. VII. p. 138 (1869).

See also Mlle A. DE FOULQUES DE VILLARET in *Mémoires de la Soc. archéologique de l'Orléanais*, T. XIV. (1875). A few documents were published by THUROT in *Bibliothèque de l'École des Chartes*, T. XXXII. (1871), p. 379 *sq.* But all collections of documents are now superseded by Fournier's collection. FOURNIER has also a monograph on *La Nation allemande à l'Université d'Orléans*, in *Nouv. Rev. Hist. de droit*, 1888.

The ancient Law-school of Orleans.

We have already seen that in the earlier Middle Ages some instruction in Law everywhere entered into the ordinary curriculum of the Schools as a branch of the 'Liberal Arts.' In the ninth century this was the case as much in France as in Italy. But both in Italy and in France there were one or two Schools at which the teaching of Law gradually attained an exceptional prominence, and the teachers of Law eventually became a distinct body under the title of Masters of Law. The position which was held in Italy by the Schools of Ravenna, Pavia, and afterwards of Bologna, was occupied in France by the Schools of Lyons and Orleans. With Lyons, since in the Middle Ages it never rose to full University rank, we are not concerned. Of the legal fame of Orleans we have an interesting illustration in the account of a suit between the great monasteries of Fleury and S. Denys which took

place about the year 830[1]. The case was heard by the Bishop of Orleans and the Count Donatus of Melun as Royal Judges: but, since the dispute related to Church property, the proceedings had to be governed by Roman Law, with which the Royal Judges were unfamiliar. They therefore adjourned the case to Orleans, where they could have the assistance of 'Masters' or 'Doctors of the Laws[2].' CH. VIII, § 2.

Respecting this ancient Law-school, we have little more direct evidence till the thirteenth century; though, according to Fitting, its existence and importance at the end of the eleventh and the beginning of the twelfth centuries are attested by the production of the compilation known as the Brachylogus, which he believes to have been composed in that place. The same writer also gives reasons for believing that in the earliest period the law-teaching of Orleans was based on the West-Gothic Breviarium, and that it was not till a later period that the older law texts were introduced into the School[3]. The Brachylogus.

In the twelfth century, however, we hear most of the fame of Orleans as a School of Grammar, Rhetoric, and Classical literature, subjects we must remember at that time more closely connected with legal studies than was the case in the later Universities[4]. At the School of The Classical School of the twelfth century.

[1] A still earlier instance is cited by Fitting from Mabillon, *A. SS. Ord. S Bened.* (Ven. 1733) sæc. I. p. 144, where S. Lifardus, a native of Orleans, is described as 'in causarum temporalium legibus discretor præcipuus.'

[2] 'Visum est missis dominicis placitum Aurelianis mutare. Venientes itaque ad condictum locum legum magistri et iudices utraque ex parte acerrime decertabant. Enimvero namque aderant legum doctores tam ex Aurelianensi quam ex Vastinensi provincia.' Pertz, *SS.* XV. p. 490.

[3] *Die Rechtsschule zu Bol.* pp. 46–48, 67, cf. above, vol. I. p. 105; *Über die Heimat und das Alter des sogenannten Brachylogus*, p. 36.

[4] This seems to me to be forgotten by Denifle when he denies all connexion between the Law-university of the thirteenth century and the ancient Classical Schools. I am glad to find my view supported by Fournier, *Hist.* III. p. 5 *sq.* It may just be worth mentioning as suggesting the continuity of the Law School that a 'Magister scholarum Aurelianensium' is one of the Papal delegates for the decision of a dispute between the Bishop of Paris and the Abbot of Ste Geneviève in 1201. Migne, T. 214. c. 1188.

CH. VIII, § 2. Orleans were educated the Classical commentators[1], the professional letter-writers[2], and the versifiers of the twelfth century. Orleans seems to have escaped almost wholly the dialectical frenzy of the age: here, and here almost alone after the decline of Chartres, there lingered down to at least the middle of the thirteenth century the classical traditions of the age of Bernard and John of Salisbury. A versifier of the time of Innocent III still places Orleans, as the School of Letters, on a level with Salerno the School of Medicine, Bologna the School of Law, and Paris the School of Logic[3]: while in the *Battle of the Seven Arts*, a French poem of the same period, Grammar is personified as the lady of Orleans, as Logic is the lady of Paris[4]. This School of Grammar, however, appears to have dwindled into insignificance before 1300 A. D., though even in the second half of the thirteenth century the clerks of Orleans

[1] Several commentaries on Lucan's *Pharsalia* and on the amatory works of Ovid emanated from the School of Orleans. Delisle, p. 144.

[2] All the Secretaries of Popes Alexander III and Lucius III were educated here. *l. c.* p. 153. 'Dictamen' is spoken of almost as the name of a distinct Faculty at Orleans. A Master of the School is styled 'Magister in Dictamine.' *l. c.* p. 156. Cf. above, vol. I. p. 110 *sq.*

[3] 'In morbis sanat medici virtute Salernum
Ægros. In causis Bononia legibus armat
Nudos. Parisius dispensat in artibus illos
Panes unde cibat robustos. Aurelianis
Educat in armis autorum lacte tenellos.'—*l. c.* pp. 143-4.

[4] The poem is printed by Jubinal in his edition of Rutebeuf (Paris, III. 1875, p. 325 *sq.*). Three lines of the poem are worth quoting on account of the light they throw upon the rare word with which they conclude:

'Car Logique, qui toz jors tence,
Claime les auctors auctoriaus
Et les clercs d'Orliens *glomeriaus*.'

Cf. below, chap. xii. § 8. Most of the Latin poets are mentioned in this composition, but few of the prose writers (Seneca is an exception), which shows that the classical culture of Orleans was far behind the level attained by Chartres in the preceding century. Even the most unintelligent study of the Latin Aristotle was better than that of the silver-age poets who absorbed the energies of the scholars of Orleans. Cf. also a passage, cited by M. Gatien-Arnoult in the *Mémoires de l'Acad. des Sciences de Toulouse*, 1857, p. 208, from the discourse of Helinandus at the opening of the University of Toulouse: 'Ecce quærunt clerici, Parisiis artes liberales, Aurelianis auctores, Bononiæ codices, Salerni pyxides, Toleti dæmones, et nusquam mores.' Cf. also du Méril, *Poésies Pop. du Moyen Âge*, pp. 151, 152.

still retained a repute for scholarship in the somewhat degenerate form of a skill in the art of capping verses[1].

The Law-school of the thirteenth century.

In the thirteenth century Orleans began a new life as a School of the Civil and Canon Law. Though there is no reason (with Denifle) to negative all continuity between the thirteenth century School of Law and the twelfth century Schools of Grammar and *Dictamen*, or to deny that Law may have continued to be studied at Orleans throughout the earlier period[2], it is probable that the revival of the School was due to external influences, and was connected with the prohibition of the Civil Law at Paris by the Bull of Honorius III in 1219[3]. It is not, however, till 1235 that we have direct evidence of a distinct Law-school at Orleans; though we know that it was one of the places in which the Masters and scholars of Paris took refuge during the dispersion of 1229[4]. In 1235 Gregory IX[5], in reply to an enquiry from the Bishop, rules that the prohibition of his predecessor was confined to Paris; at Orleans the Bishop might freely allow its study except to certain beneficed ecclesiastics[6], to whom it was forbidden by another Bull of Honorius III. That no question was raised at an earlier period is explained by the fact that a new Bishop had just mounted the episcopal throne who felt a scruple as to the legitimacy of the encouragement which his predecessor had probably given to the exiled Civilians of Paris. The prohibition of the Civil Law was highly injurious to a scientific study even of

[1] Delisle, *l. c.* p. 147.

[2] Fitting (*Die Rechtsschule zu Bol.* p. 47) insists much upon the assertion of Clement V in 1309, that the Studium of Law 'laudabiliter viguerit ab antiquo.' So Denifle, I. p. 258: but he hardly allows for the shortness of the medieval memory or the exuberant rhetoric of medieval scribes.

[3] So Denifle, I. p. 259. Le Maire (p. 374) makes Bouchard d'Avesne study and profess Civil Law at Orleans *circa* 1180 A. D., but cites no authorities.

[4] See above, vol. I. p. 337.

[5] Doc. in Denifle, *Chartul. Univ. Paris.*, I. pt. i. No. 106: Fournier, I. No. 2. At the same time the Pope granted a Faculty to the Bishop to absolve for assaults on clerks. Fournier, I. No. 3.

[6] It was not forbidden to all ecclesiastics, as Fournier, *Hist.* III. p. 6. See Appendix XI.

CH. VIII, § 2.

the Canon Law in the French capital: and as a School of Law Orleans began almost from its foundation to surpass the fame of Paris [1]. From this time at least it may be considered a Studium Generale *ex consuetudine*; and it remained throughout the Middle Ages the greatest Law University of France. Thomas Aquinas, indeed, places it on a level with the three great Studia Generalia—Paris, Bologna, Salerno [2]. It is a curious fact that some of the Orleans Professors are said to have been in the habit of partially employing the vulgar tongue in their Lectures [3].

The Scholasticus.

I hope hereafter to show that the origin of the University of Oxford must be sought in a scholastic migration similar to that which probably originated the importance of Orleans. I shall then have occasion to point out how decisive were the effects upon the constitutional development of that University of the circumstance that Oxford was not the See of a Bishop. Had it been so, the Head of the Chapter Schools would certainly have claimed a jurisdiction over the newly established Schools of the Parisian settlers: the development of an independent University would probably have been delayed, and its constitution would certainly have been profoundly modified. At all events, this is exactly what happened at Orleans. The Scholasticus of the Cathedral, already accustomed to grant licences to the Masters of Grammar, at once claimed over the Masters of Law all the authority which was asserted, and something more than was permanently retained, by the Chancellor of Paris. The emancipation of the Masters from the capitular yoke was here very slow. The Masters no doubt from the first formed a Universitas of

[1] In 1286 a Bishop of Amiens speaks of 'Aurelianenses peritiores in jure quam Parisienses et magis intelligentes.' Fournier, I. No. 1287.

[2] Bononia in actoribus, Aurelianis in legibus. *De Virt. et Vit.*, cap. ult.

[3] 'Fuerunt (ut dicitur) Aurelianenses lectores, qui partim latinum, partim gallicum in cathedra loquebantur.' Joh. Faber (a Montpellier Jurist of the fourteenth century) ap. Savigny, cap. xlviii. An extract is given by Savigny (cap. lvi) from an Italian Jurist in a language 'half Latin, half Italian,' but he appears to have employed this dialect only in the moral digressions which he introduced into his lectures.

the vague and indeterminate character which had grown up at Paris towards the end of the twelfth century. We have tolerably clear evidence of the existence of such a Universitas at the middle of the thirteenth century[1]. It is not quite certain whether there was any Rector; it is more probable that the Doctors had no Head except the Scholasticus. At all events the right of the University to elect a Rector was matter of dispute as late as 1270–1280[2]. And when the Doctors attempted to arrogate to themselves the powers of a really independent corporation, and to make Statutes for the government of the Schools, we find their claim disputed by the Bishop. The first written

Growth of a University.

[1] When the Pastoreaux invaded Orleans (c. 1251), one of them was killed by a student, and a serious riot ensued, since the citizens took the side of the heretics. Matthew Paris concludes: 'Novum quippe et absurdum fuit, ut laicus, immo plebeius, spreta auctoritate pontificali, in publico tam audacter et in tali civitate, ubi viguit scolarium universitas, prædicaret . . . Exturbata est igitur tota universitas, et compertum est circiter viginti quinque clericos, absque læsis et diversimode dampnificatis, miserabiliter occubuisse.' *Chron. Maj.* (ed. Luard), V. p. 250. The writer's whole tone implies the importance of the School and the large numbers of the students. The expression 'scolarium universitas' probably points to a formal Guild, though it does not prove it. Another contemporary account speaks of the 'congregationem clericorum que ibi jamdiu resederat.' Fournier, I. No. 8. An earlier brawl (in 1236) testifies to the presence of 'scholares juvenes illustrissimi et genere præclari'(Matt. Paris, *Hist. Maj.* III. p. 371; Fournier, I. No. 4). Other documents are published by Doinel, *Hugues de Bouteiller et le massacre des clercs à Orléans en* 1236 (Orleans, 1887), which show that Denifle's attempted correction of the date to 1241–2 (I. p. 260) is mistaken.

[2] 'Lex ista allegatur cotidie ad hoc, quod universitas potest facere et eligere judicem, licet electus alias nullam habeat jurisdictionem, unde privatus consensus non facit judicem eum, qui non est alias judex. Hoc est verum, nisi sint privilegiati collegiati, unde scolares Parisienses, qui habent Universitatem, possunt sibi eligere rectorem. Sed nos, qui sumus hic Aurelianis, singuli ut singuli non possumus hoc facere. Itaque bonum esset adire, ut impetraretur, nam collegium illicitum est, si non fuerit a superiore approbatum ut ff. Quod cujusc. univ. l. I. Dico colligunt hic, quod qui habet curam collegii vel rectoriam, est judex singulorum de collegio seu de universitate et lex ista hoc dicit. Sed quod universitas eligat eum, certe lex ista hoc non dicit nec lex alia.' This is an extract from the *Lecturæ* of the Orleans Professor, Jacques de Revigny. (Fournier, I. No. 11.) The date is not certain. Note the contrast between this French view of the Law of Corporations and that of Italian Jurists. See above, vol. I. pp. 153 *sq.*, 302 *sq.*

CH. VIII, § 2.

Statute of which we have any record was made between 1288 and 1296, for the purpose of limiting the number of 'ordinary' lecturers. It fixed the staff of the University as follows: two Doctors in Decrees, three in Decretals, and five in Civil Law. The Statute is enacted by the Scholasticus after deliberation with the Doctors and the Chapter, and with the consent of the Bishop[1]. At the beginning of the following century, however, a new Bishop wanted the Doctors to admit a sixth Civilian, and, upon the refusal of the University, threatened to add four or five more to the number at his own pleasure. An appeal to Rome followed; then the Bishop by his own authority allowed the intruded Doctor to lecture, and, to stop the progress of the appeal, forbade the Doctors to hold Congregations without his special leave. The upshot of the affair was that a few years later (1306) a series of Bulls were procured from Clement V (once a student of Orleans), which recognized a University after the manner of the University of Toulouse[2], and conferred upon them some of the rights hitherto monopolized by the Scholasticus—the right of making Statutes for certain definite purposes, the right of electing a Rector, and all the privileges of the University of Toulouse. The prison of the Scholasticus was abolished, and his jurisdiction transferred to the Bishop. Provision was also made for the taxation of houses[3]. Although the Bull seems to confer power only on the Masters, the practice of Toulouse was that the students should enjoy at

Bulls of Clement V, 1306.

[1] 'Prefatus scolasticus ad quem ejusdem studii gubernatio et dispositio ab antiquo approbata et hactenus pacifice observata consuetudine pertinet... habito super hiis tam cum doctoribus tunc in dicto studio legentibus, quam cum capitulo ecclesie diligenti tractatu, de ipsorum consensu et voluntate, interveniente insuper auctoritate tua, qui tunc Aurelianensi ecclesie presidebat . . . duxit . . . statuendum.' Fournier, I. No. 17. (Bull of 1301.)

[2] 'Habeant Universitatem et collegium regendum et gubernandum ad modum Universitatis et collegii generalis studii Tholosani.' Fournier, I. No. 19.

[3] Fournier, I. Nos. 18–22. The limitation of the chairs to five appears to have been maintained, since Bachelors from other Universities swore 'quod juxta statutum apostolicum doctorum juris civilis numerum quinarium observabit.' Bimbenet, p. 204.

least a nominal participation in the government of the Studium. Accordingly we find the Statutes enacted by the Rector, the Doctors, and the Proctors of the ten Nations, the latter being students and elected by students [1]. It is probable (though not certain) that this student-organization had existed in some form or other from a much earlier period [2].

Quarrel with the town, 1309.

The Masters and scholars had hitherto lived in Orleans without any special University privileges whether Papal or Royal; and the reader will by this time have seen too much of the invidious character and working of these privileges to be surprised at their introduction being resented by the townsfolk, however necessary they may have been to protect the students from as bad or worse oppression at their hands. When in 1309 the Masters and scholars had assembled to hear a certain Papal Bull read in the Dominican convent [3], the Assembly was dispersed by a violent irruption of burghers, who significantly reminded them of a great massacre of clerks by the Pastoreaux fifty-nine years ago [4] and declared that they would never be at peace with the gownsmen until they renounced their privileges [5]. In 1312, after three years of confusion, Philip IV —who was just completing his subjugation of the Papacy,

[1] Fournier, I. No. 22.

[2] It is noticeable that at Toulouse there were also, in 1311, ten *Consiliarii*, sometimes styled *Procuratores*, but of these four were Masters. There were no Nations at Toulouse. See below. p. 166.

[3] The Bull read was probably No. 25. The fact that the University Congregations met in the Dominican convent appears to be Bimbenet's only authority for supposing that the Schools were held here also. Of course his theory (p. 306) that the University grew out of the Convent schools is quite contrary to all analogy and probability. Afterwards the usual meeting place was the University Chapel in the Church of Notre-Dame-de-Bonne-Nouvelle. Bimbenet (p. 297) describes a very beautiful building (as still surviving) of the fourteenth or fifteenth century traditionally known as the *Salle des actes ou des thèses*. But Fournier (*Hist.* III. p. 192) speaks of the *Grandes Écoles* as having been destroyed 'dans ce siècle.'

[4] The text has LXIX. Either this must be a distinct episode from that mentioned above (p. 141, n. 1), or more probably LXIX is a mistake for LIX. As to the date of the incident itself, Fournier appears to be wrong in giving 1310. See Denifle, I. p. 260, n. 161.

[5] Fournier, I. Nos. 27–31.

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of the Templars, of the Archbishop of Lyons, of the clergy throughout his realm—declared in favour of the Town. The Masters and scholars were forbidden to exercise their Papal privileges, to hold Congregations, to elect a Rector, to demand oaths or assume any other rights of an independent corporation. Both the Universitas and the Nations were suppressed. Only the Masters might meet at the summons of their Dean to make necessary regulations for the most strictly scholastic purposes [1].

By way of adding insult to injury, the King attempted to compensate the scholars for the loss of their University rights by handing them over to the protection or surveillance of the Bailiff and Provost of Orleans, the latter being made Conservator of such privileges as the King chose to recognize [2]. After a few more years of discontent and agitation the scholars determined to resort to a remedy which seldom failed to extract reasonable terms from the enemies of scholastic liberty. A little before Easter 1316 the whole body bound themselves by an oath to leave the town if their demands were not acceded to before the ensuing festival. The threat was executed, and the Masters and scholars decamped in a body to Nevers [3],

Migration to Nevers, 1316.

[1] Fournier, I. Nos. 36–40. The Ordinance, No. 37, is instructive as an account of the clear distinction which it draws between the *Studium Generale* and the *Universitas*. 'Universitatem hujusmodi que causam huic prestabat scandalo, nec fuerat auctoritate nostra subnixa, tolli decrevimus . . . Ceterum . . . studium generale presertim juris canonici et civilis, dante Deo, perpetuum ibidem esse volumus, hoc salvo quod Theologie magistri nullatenus creentur ibidem, ne detrahatur privilegiis Romane sedis studio Parisiensi concessis . . . Congregationes generales, que necdum vagandi, sed frequenter scandali materiam prestare solent, inhibemus eisdem.' It is observable that Orleans is spoken of as a studium 'liberalium artium, precipue juris,' &c., but there is no trace of any organized Studium except in Law after the decay of the old Schools of Rhetoric.

[2] Fournier, I. Nos. 35, 37, 41.

[3] *Ib.* No. 47. The consent of the town of Nevers was only obtained by a renunciation of most of the University privileges. It will be noticed how different the feeling of northern towns, who regarded scholars as 'clerks,' was to the welcome generally accorded to migrating students by the Italian cities. The settlement at Nevers ended in a riot, in which the citizens pitched the Doctors' *cathedræ* into the river to float back to Orleans, 'clamantes alta voce, "Ecce studium portamus in

which then lay in Burgundian territory. Pope John XXII (an *alumnus* of Orleans) interposed on behalf of the exiled scholars, and Philip V was at last driven to accept his mediation. The compromise which he suggested—the limitation which it imposed upon the privileges of scholars—shows exactly where the shoe which the burghers of the University Town were required to wear, pinched most intolerably. By the Pope's mediation it was arranged that the University should never interfere as a corporation in disputes between a private citizen and an individual scholar[1]. If the criminous scholar was still allowed almost total impunity through his exemption from the jurisdiction of the lay tribunals, the Town Magistrates were at all events freed from the necessity of allowing their fellow-citizens, guilty or innocent, to be imprisoned or heavily fined at the bidding of the academical authorities for fear of a 'suspension of lectures,' or an eventual dispersion[2]. The terms were accepted by the Town and enforced by a Royal edict in 1320: after which the scholars returned to Orleans. It is from this time that the most flourishing period in the history of the University begins. The *rotulus beneficiandorum* presented to Benedict XIII in 1394 contains the names of ninety-five resident Licentiates in one or both Laws[3], and in all 844

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Compromise.

Confirmed by King, 1320.

Numbers.

ripperia Ligerris submergendum, et postmodo de scolariis (*sic*) simili modo faciemus!"' *Ib.* No. 53. Cf. No. 71, which gives the fines imposed by the Parlement of Paris on fifty-seven offenders. There are two articles on this secession to Nevers, one by Duminy in the *Bulletin de la Soc. nivernaise des Sciences et Lettres*, T. XI. (1883) p. 358, the other by Bimbenet in *Mém. de la Soc. d'Agricult. Sciences et Arts d'Orléans*, 1877, p. 5.

[1] 'Universitas, rector, doctores aut scolares illius de factis singulorum scolarium et doctorum universitatis nomine se nullatenus intromittant' (Fournier, I. No. 55). The privilege was the more invidious since private individuals were not allowed to appear in the Courts by a legal representative (*Ib.*). All scholars are here assumed to be clerks, but a doubt arises as to the fiscal immunities of married scholars (*Ib.* No. 199).

[2] Fournier, I. Nos. 58–68.

[3] Fournier, III. No. 1891. Fournier (*Hist.* III. p. 41) seems to assume that the 844 represents the total number of students. But (1) it is doubtful whether every clerk, however young, would have put down his name, (2) and certain

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students, of whom 551 were resident. This may be conjectured to represent an academic population of not less than 800 or 1,000; though it is, of course, impossible to estimate precisely the proportion of enrolled to unenrolled. Probably the expectants of ecclesiastical benefices would prove a majority.

Constitution.

The constitution of the University exhibits a remarkable compromise between the rival types of Paris and Bologna. We have seen that before the Papal Bull of Incorporation the Scholasticus of Orleans, like the Chancellor of Oxford, occupied a double position as the Bishop's representative and at the same time Head of the Magisterial Guild. After the final establishment of a Rectorship, the Scholasticus recedes into the position of the Parisian Chancellor, and the Rector becomes Head of the University proper. From this time the ordinary affairs of the University were administered by a College consisting of the Doctors Ordinary and the ten Proctors of the Student-Nations. These Nations were France, Germany, Lorraine, Burgundy, Champagne, Picardy, Normandy, Touraine, Aquitaine, and Scotland[1]. The Rector was elected by the Nations, but was often, if not usually, a Doctor. The occasions on which the whole University of Doctors and students are summoned appear, however, to have gradually increased in

that there must have been law-students who could not hold, and did not want, a benefice. Considering the large proportion of students elsewhere who did not proceed so far as the Licence, 230 Licentiates, of whom ninety-five were residents, must represent more than 551 residents. Note that the numbers were not swollen, as in many Universities, by boy-students in Arts and in Grammar. (M. Fournier has since disclaimed the above interpretation of his words.)

[1] The names are collected from various documents. All appear in Fournier, III. No. 1891, except Germany, one Proctor being mentioned without the name of his Nation. Bimbenet (p. 9) gives Guyenne in place of Aquitaine. In 1400 the nation of France was divided into five provinces (Fournier, I. Nos. 238, 239), afterwards styled *Parquets*. Here, as in Italy, the German Nation enjoyed mysterious privileges, *i.e.* of taking their Licentiate's and Bachelor's degree by accumulation after five years, while others took five years for the Bachelorship and five more for the Doctorate. *Ib.* Nos. 154, 344.

frequency[1]: and in 1389 a dispute between the students and Doctors led to a more exact determination of the relations between the College and the University by the Parlement of Paris. The University was not to be summoned till the matter had been discussed in the College, but a majority of the Proctors could insist on a General Congregation. On the other hand, the College could not disburse more than twenty *solidi* in a single Rectorship without consulting the Nations. The Proctors were to be Licentiates, or at least Bachelors, wherever possible[2]. Later changes slightly increased the power of the students[3].

No other Faculties but Law.

After the decay of the literary Schools in the thirteenth century, no regular Faculty of Arts manifests its existence in the Orleans documents, nor any other Faculty except that of Law[4]. Hardly any University of such high repute[5] remained, as appears to have been the case at Orleans, without a single endowed College for poor students. On the other hand, we find that there were *hospicia* for students presided over by Doctors, Bachelors or students, who in

No Colleges.

[1] Fournier, I. No. 155. contains the first allusion to such General Congregations. A Statute of the German Nation (No. 192) forbidding its Proctor to consent to the expenditure of more than forty *solidi* 'inconsultis eis' perhaps indicates the powers by which the students managed to acquire a direct instead of a representative share in the government of the University. A Bull of 1388 allows a Licentiate or Bachelor to be Rector. (Denifle, *Les Univ. franç.* p. 51.)

[2] Fournier, I. No. 216.

[3] In 1406 three Proctors were given the power to demand a General Congregation (*ib.* No. 251). The reform of Charles VII in 1447 (No. 294) (1) disfranchised students 'in primo volumine auditionis existentes,' (2) recognized an intermediate *collegium solenne* at which all Doctors, Licentiates and persons summoned by the Rector attended besides the *Collegium Ordinarium*. The *Procurator Generalis* (Registrar, Treasurer, and Syndic in one), becomes an increasingly important official, and was evidently present at meetings of the College, but it does not appear that he had a vote.

[4] In 1446 we find Grammatici allowed to enjoy the University privileges (Fournier, I. No. 290): and in 1447 (No. 294) there is a provision against 'acquiring time' in Arts at the same time as Law, but this may refer to residence kept in other Universities.

[5] Among the *alumni* of later days are mentioned Reuchlin, Calvin, Beza, Molière, and Du Cange.

CH. VIII, § 3. the middle of the fifteenth century are required to maintain quite as much discipline over their *socii* as was exercised by the Principals of Parisian or Oxonian Halls [1].

§ 3. ANGERS.

POCQUET DE LIVONNIÈRE, *Privilèges de l'Université d'Angers*, 1709 and 1736. DUBOYS, *Privilèges des Professeurs de Droit*, Angers, 1745. RANGEARD, *Histoire de l'Université d'Angers*, éd. Lemarchand, Angers, 1872, is one of the best, most learned, and most critical of the older University historians, containing many documents. (Rangeard lived 1692–1726.) DE LENS, *L'Université de l'Anjou*, T. I., Angers, 1880, continues Rangeard (who stops at 1428) and adds a few documents; also *La Faculté de Théologie de l'Université d'Angers* (*Revue de l'Anjou*, 1879). PORT, *Statuts des quatre Facultés de l'Université d'Angers*, 1406–1498, Angers, 1878; also *La Bibliothèque de l'Université d'Angers* (*Revue de l'Anjou*, 1867).

Origin. Angers was an ancient Cathedral School which gradually developed into a University. But here as in many other cases the development was not entirely spontaneous and independent. It owed its position as a Studium Generale to an immigration from one of the two great archetypal Studia: and its institutions were moulded more or less in conformity with the models already established at Paris and Bologna.

The old Cathedral School. The Cathedral School of Angers was in the first half of the eleventh century taught by two successive pupils of the celebrated Fulbert of Chartres [2]: at the end of the eleventh and beginning of the twelfth century it attained considerable reputation under two successive *Scholastici*, Marbodus afterwards bishop of Rennes and Ulger afterwards bishop of Angers. The mythical accounts of the origin of the University seek to connect it with the names of these two prelates, the former of whom is even alleged to have pro-

[1] 'Doctores, licentiatos et bachalarios et alios quoscumque scolares ad suam pensionem tenentes, quod eos moribus et doctrina diligenter instruant,' &c. Fournier, I. No. 294. It is, of course, quite possible that these presiding students were *elected*, like the Oxford Principals. Cf. the *pædagogi* at Angers, below, p. 156.

[2] During the Episcopate of Hubert of Vendôme (1010–1047). The Masters were Sigo, afterwards Abbot of S. Florent, and Hilduin, afterwards Abbot of S. Nicolas, near Angers. De Lens, I. p. 8.

cured a foundation-bull from Rome[1]. The later Statutes represent Ulger as the founder of a benefaction for the Bedels[2]. Assuming that the fact and the date are correct, we cannot feel sure that the Bedels meant were originally the Bedels of the Schools. and the whole story has a very apocryphal aspect: but there is no reason to deny (as Denifle seems rather disposed to do) all continuity between the old Cathedral School and the later University. We know, indeed, nothing of the special subjects for which Angers obtained its scholastic fame under Marbodus and Ulger; but the early connexion with the celebrated Canonist, Fulbert of Chartres, may be held to indicate a probability that Law was included under its curriculum. After the time of Ulger, however, we have no positive knowledge of the Schools of Angers until the year 1229, when the great Parisian dispersion compelled many—perhaps the main contingent of the fugitive students—to seek a home in Angers beyond the direct control of the French King. As, however, this migration fails to account for the special predominance of Law at Angers, it seems highly probable that the prohibition of the Civil Law at

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Parisian Immigration of 1229.

[1] De Lens, I. p. 9; Rangeard, I. p. 10 *sq.* Marbodus became Scholasticus *c.* 1075, and died 1123: Ulger became Bishop of Angers in 1124. A 'Magister divinorum librorum' is mentioned by Abelard as teaching an extreme and heretical Realism 'in pago Andegavensi' (*ante* 1120), *Opp.* ed. Cousin, II. p. 84. De Lens makes Berengar teach at Angers *c.* 1089, not as Scholasticus but as Grammaticus, a fact which he declares to be established by an ancient Obituary of the Cathedral, *l. c.* (cf. Rangeard, I. pp. 17, 18). If the document of which a notarial certificate is given in Rangeard, II. p. 158, be genuine, it would show that the College of S. Maurice was established in connexion with the Chapel of S. Mary for the instruction (or rather support) of the clerks and Chaplains of the Church of S. Maurice in 1032; but this is rather early for endowed Colleges. The 'Scholastria' was endowed in 1077. Document in Rangeard, II. p. 159.

[2] 'Quiquidem bidelli illa die, durante tempore licentiæ, debent ad unam comestionem recipi in parva aula dicti palatii; et quisquis sit claviger seu custos ejusdem debet eis de bonis episcopi Andevagensis pro tempore ministrare panem et vinum et alia cibaria eisdem necessaria; quæ prædicta bonæ memoriæ dominus Ulgerius, quondam episcopus Andevagensis, eisdem contulit et donavit, et prædicta fieri perpetuo voluit et præcepit.' Stat. of 1373 ap. Rangeard, II. p. 223; Fournier, I. No. 396.

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Possible earlier Migration in 1219.

Paris in 1219 had already led to the transference of some Civilians from Paris to Angers. At all events it is to this prohibition that Angers, more even than Orleans, owed its prosperity. Angers was *par excellence* the School of *Civil* Law. It is doubtful, indeed, whether promotions in any other Faculty than Civil or Canon Law ever took place here[1] before 1432. Though Angers never possessed in medieval times the same scientific importance as the School of Orleans, it was hardly less famous as the school of practical lawyers, especially during the fifteenth century, and in the sixteenth surpassed it as a seat of the great legal Renaissance[2].

A Studium Generale.

Angers is reckoned by Denifle among the Universities which grew up 'ohne Stiftbriefe': and from the fact that no less than seven Doctors are found teaching here at one time in the course of the thirteenth century, it is practically certain that regular graduations must have taken place[3]. By a curious accident we find the Studium, just at the time of the Parisian immigration, expressly described by a contemporary writer as a Studium Particulare[4], while Matthew Paris no less distinctly implies its generality[5], though it is

[1] There were of course schools of Grammar and Logic. In 1298 there were such schools at the Collegiate Church of S. Peter, and the Dean has the right 'duos pueros et duos *baccalarios* duntaxat ponere et instituere in choro ecclesiæ Sancti Petri predicti' (Rangeard, II. 187; Fournier, I. No. 370). The use of the word Baccalareus may naturally suggest that promotions already took place in Arts, but according to Rangeard (I. p. 324) the term was then applied to the younger ecclesiastics of a Church without reference to their academical status. See above, vol. I, p. 209, n. 2.

[2] Fournier, *Hist.* III. pp. 206, 7.

[3] The *Questiones Andegavis disputate* in Bibl. Nat. Cod. Lat. 11724 (Denifle, I. p. 271). The MS. belongs to the second half of the century.

[4] 'Annum millenum Domini, centum bis et annos,
Vigintique novem, semita solis agit,
Sanguine Parisius studium dissolvitur: orbe
In toto sentit prælia sacra Syon.
Andegavis studium quod particulare cohæret
Illud dissolvunt proxima bella novum.'
Joh. de Garlandia, *De triumphis ecclesiæ*, ed. Wright, p. 99.

[5] 'Recedentes itaque clerici generaliter universi contulerunt se ad majores civitates regionum diversarum. Quorum tamen maxima pars civitatem Andegavensium metropolitanam ad doctrinam elegit universalem' (Matt. Par. *Chron. Maj.* (ed.

not till 1337 that it is officially recognized as such[1]. We see the School in the act of passing from a 'particular' to a 'general' Studium. It is one of the very few undoubted Studia Generalia that never obtained either a Papal Bull of foundation or express recognition of its *jus ubique docendi*. It was not till 1364 that it received a charter from Charles V conferring upon it all the privileges of the University of Orleans and appointing the Seneschal of Anjou and Provost of Angers Conservators[2]. But by this time it had long been treated both by Kings and Popes as completely on a level with the formally constituted Studia Generalia[3].

Constitution.

The constitution of Angers is in the main strikingly parallel to that of Orleans. There is no evidence to show which of them was the more ancient, but the total dissimilarity between the original constitution of these two Universities and those of the greater Universities—Paris and Bologna—is the best evidence of their antiquity. Such a constitution could not well have grown up after the first half of the thirteenth century. In Angers and Orleans we have in fact a survival of that primitive and imperfect University organization out of which Paris began to emerge early in the thirteenth century and Oxford (as

Luard), III. p. 168: see above, vol. I. p. 337). 'Universalem' is, of course, equivalent to 'generalem.' In the following year the Pope writes, 'magistris et scholaribus Parisius et Andegavi commorantibus' (Fournier, I. No. 362). The first express notice of the teaching of the Civil Law occurs in 1242 in a letter from Otho de Fontana, 'juris civilis professor docens Andegavi' (Rangeard, II. p. 178; Fournier, I. No. 363). But there is perhaps a slight presumption that there was a Studium of Law within the province when the Provincial Synod of Tours in 1236 required a period of legal study for Officials and Advocates in the Ecclesiastical Courts (Mansi, *Concilia*, XXIII. 412).

[1] In an Episcopal Ordinance (Fournier, I. No. 378), 'Statum honorabilem et antiquum Andegavensis studii generalis . . . in quo tot boni viri ducum, comitum et aliorum principum et baronum fratres, filii et nepotes et alto sanguine derivati retroactis temporibus studuerunt'

[2] Rangeard, II. 210; Fournier, I. No. 388.

[3] Fournier, I. Nos. 375–384. The first *Rotulus Beneficiandorum* mentioned by Fournier is in 1342 (No. 379): the first general permission to enjoy the fruits of benefices while residing in the Studium is dated 1363 (No. 387; Rangeard, II. 208). It received the *jus non trahi extra* from Gregory XI in 1371 (No. 394).

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The Scholasticus Head of the University.

we shall see) some thirty years later[1]: and Angers retained this primitive simplicity longer even than Orleans. As late as 1350 the Scholasticus or 'Maistre-escoles' is still the sole Head of the University. He is himself a Regent Doctor of the School and the Head of the College of Doctors. Statutes of some kind are already in existence, but so little authority has the College acquired—so little has it emerged from the merely customary stage of its existence—that a Licentiate is found attempting, with the approval of the Scholasticus but in defiance of the College and its regulations, to incept under a Doctor who is not and never has been a Regent Doctor at Angers[2]. The result is an appeal to the Bishop, of whose authority over the Studium there is no question. The earliest extant Statutes are of some twenty years later and enable us to complete our picture. Under the Scholasticus is a Dean of the College of Doctors who exercises, concurrently with the Scholasticus, a judicial authority over Masters and scholars, and acts as Treasurer of the College. There is no Rector of the University. The power of making Statutes is thus lodged entirely with the Scholasticus and the Doctors. Indeed, the Doctors themselves seem only just emerging from that original state of absolute bondage to the Scholasticus from which the Masters of Paris had emancipated themselves more than a century and a half before: the Statutes of 1373 are made by the Scholasticus 'with the consent' of the Doctors. There are, indeed, as at Orleans, certain Nations of students—

The Nations.

[1] It is worth noticing that many of the Parisian settlers of 1229 were Englishmen. It seems to be implied that the five Englishmen mentioned by Matthew of Paris went to Angers. Some of these are alleged to have afterwards studied at Oxford, where the Chancellor's position was very closely parallel to that of the Scholasticus at Angers (Matt. Paris *l. c.*; Rangeard, I. p. 136).

[2] 'Ad nostri devenit notitiam quod venerabilis vir magister Garnerius de Cepeaux actu tunc non regens, neque rexerat in dicto studio ordinarie, intendebat et jactavit se in dicto studio venerabilem virum magistrum Laurentium Beaulamère creare in doctorem in legibus; et quod ipse magister Laurentius intendebat incipere sub eodem,' &c. (Rangeard, II. p. 200; Fournier, I. No. 381).

probably dating from the thirteenth century[1]—side by side with the College of Doctors, but neither the University of students nor its constituent Nations or their Proctors are recognized by the magisterial College as sharing the supreme legislative power, though their Statutes do recognize the authority of the Proctors over the students[2]. The Nations are still the mere student-clubs or guilds which the Bologna Universities themselves must have been in their origin towards the close of the twelfth century.

It was inevitable that the students should grow impatient of the yoke which the students of most other Law Universities had thrown off. The first quarrel between the students on the one hand and the Scholasticus and Doctors on the other arose in 1389, when 283 students—'the major and the saner part' as they styled themselves—appealed to the Parlement for a redress of grievances. By this time it was customary for the students to be summoned on important occasions to General Congregations, and the students contend that the Scholasticus was bound to decide by a majority of votes. It appears, however, that he sometimes disregarded the views of the majority or refused to 'conclude' at all: and the Doctors still claim that they are really the University[3]. Initiation and administration clearly rested with the Doctoral College, though there were rare occasions on which the Proctors of the

Assertion of Student rights.

[1] The number is usually given as ten, and the names as the same as at Orleans, except that Brittany takes the place of Germany: but there seems to be no express mention of them before 1373, and then there is nothing to fix the number at ten (Fournier, *Hist.* III. pp. 161–2) except the statement of Rangeard (I. p. 259). The Ordinances issued in 1279 by Charles III, King of Sicily and Count of Anjou, as to interest, regrating, &c. at the request of the burghers and 'des escolliers demeurans à Angiers,' make it probable that some kind of student-organization existed at that time. Rangeard, II. p. 180; Fournier, I. No. 365.

[2] 'Item quod scholares infra mensem [Fournier reads 'menses'; if so, the number must have dropped out] a tempore sui primi adventus teneantur jurare statuta dicti studii observare: quod juramentum teneantur præstare procuratori suæ nationis.' Rangeard, II. p. 226; Fournier, I. No. 396.

[3] Fournier, I. No. 414.

RELEASED BY THE UNIVERSITY

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Nations were summoned to confer with the Doctors[1]. The result of this rebellion was that the students acquired the modest right of electing a representative to assist at the audit of the University accounts[2]. It is probable, indeed, that it was the necessity of getting the students' consent for taxation on such occasions as the sending of a Roll to Avignon that originally compelled the Doctors to summon General Congregations, and that here, as so often both in Universities and in States, the power of the purse ultimately carried with it legislative supremacy. At all events it was the administration of the *collecta* raised for sending a Roll to the Pope in 1395 which led to a renewed rebellion. The students again brought their grievances before the Parlement and petitioned for a constitution like that of other Universities[3].

Reform of 1398.

The report of the Commissioners of Parlement was favourable to the demands of the students, and the upshot of the affair was that in 1398 the University was reorganized on the model of Orleans and a new code of Statutes drawn up. The Scholasticus and the Doctors, however, retained a rather more favourable position than at Orleans. There was a Rector, but it was provided that the Doctors should hold the office by rotation. The Scholasticus was allowed precedence over the Rector in scholastic acts, though not on other occasions. The ordinary administration was entrusted to the College of Doctors and Proctors presided over by the Rector, to which was here added the Procurator-General of the University. Three Proctors might demand a General Congregation, which is now definitively recognized as the governing body of the University[4]. In 1410, what-

[1] 'Disoit outre ledict maistre-escolle que il et les docteurs régents ordinairement en ladicte Université seuls et pour le tout font Université et collège sans les escolliers, car ils ont arche, séel et profession et signes de l'Université, de corps et de collége': while the students are spoken of as 'eux qui n'ont corps ne collége, arche, séel, ne aucun signe de Université.' Fournier, I. No. 425.

[2] Fournier, I. Nos. 417, 418.

[3] Fournier, I. Nos. 422–427.

[4] Fournier, I. Nos. 430–437; Rangeard, II. p. 232. Yet it is worth noticing that the Nations seem to have no means except social excom-

ever their previous number, there are six Nations only and the sixth is spoken of as a new creation. Their names supply interesting evidence as to the regions from which the University drew its students. They are, (1) Anjou (including the adjoining diocese of Tours), (2) Brittany, (3) Maine, (4) Normandy, (5) Aquitaine (including the 'provinces' of Bourges, Bordeaux, Narbonne, Toulouse, Auch), and (6) France[1]. At the same time the constitution is still further modified in a democratic direction. The Rector is to be chosen exclusively from the Licentiates by electors named by the Nations: Doctors are ineligible as electors. Moreover, it is provided that in the Council or Congregation the Doctors shall have no votes in matters affecting themselves and their College. The superiority of the Rector to the Scholasticus is now for the first time proclaimed, respect being paid to the interests of the then occupant of the office[2]. The Scholasticus has ceased to be the Head of the University, and he is henceforth limited to the conferment of the Licence, like the Chancellor of other Universities[3].

Democratic changes.

As the sixteenth century approaches we find here as elsewhere a reaction in favour of magisterial authority. The Statutes drawn up by the Commissioners of the Parlement of Paris in 1494 enact that in future no one shall have a

Curtailment of Student-rights, 1494.

munication to compel a new scholar to join their body. Cf. the Statute of the Nation of Maine in 1419: 'Noviter venientes . . . si juramenta prelibata noluerunt . . . facere, presentes in artibus scolasticis ipsos non sociabunt; ymo ipsum juramentum prestare recusantes, ut prefertur, quantum poterunt evitabunt, nec eos conviviando associabunt.' Fournier, I. No. 465.

[1] 'Sexta erit natio Franciæ, quæ de novo certis de causis virtute commissionis nostræ per nos constituta est, et habet sub se provincias Lugdunensem, Senonensem et Remensem' (Rangeard, II. 240); but the historian tells us (I. 385) 'Elle subsistoit cependant avant leur (the Commissioners') arrivée à Angers, mais sans avoir encore une forme aussi régulière.' Or were the French students hitherto outside the Nations like the 'Bononienses' at Bologna? As to the date, see Fournier, I. No. 449 *note.*

[2] Rangeard, II. p. 244; Fournier, I. Nos. 448, 449. The former wrongly ascribes these Statutes to 1400.

[3] He appears at first to have retained the right of making Bachelors. But after 1435 he took no part either in the Inceptions or the conferment of the Baccalaureate. De Lens, I. p. 22.

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vote in the Congregation of the University or of any of its Nations who is below the degree of Master of Arts or Bachelor in one of the Superior Faculties[1]. It is interesting to notice that by this time the Pædagogy-system had spread from the Faculty of Arts to that of Law. There were, it appears, a class of young students in Law known as *Justiniani*, who lived in the houses kept by Pædagogi, by whom they were prepared for the study of Law without necessarily attending any of the regular University Regents or Professors. Law students presumably went direct to the study of Law without any preparatory training in Arts.

Other Faculties, 1432.

It was not till 1432 that regular Faculties of Theology, Medicine, and Arts, under their respective Deans, were established at Angers under a Bull of Eugenius IV; the students were, however, united in the same University with the students of Canon and Civil Law. The Licence in Arts was conferred by the Dean of the Collegiate Church of S. John the Baptist[2].

Number of Chairs.

The mode of graduation and the regulations of the Studium are for the most part similar to those of the University

[1] Fournier, I. No. 492. It is, however, provided that when possible the Proctors shall consult their Nations (in which students still had votes) beforehand on matters to be brought before General Congregations. It may be noticed that Sunday is contemplated as a usual day for meetings of the Nations. In the same year it was ordered by the Parlement that the senior Licentiate of each Nation in turn should be Rector of the University, and the senior Bachelor of each Nation Proctor, to avoid 'les grands meurtres et battures, et autres grands scandales et perdition de temps,' involved in Rectorial Elections. It appears that 5 or 6 scholars in the one Nation of Maine, besides others, had been 'tuez, mutilez, et battuz' within the last few years (*ib.* Nos. 495, 496). Promotion by seniority was, however, found to involve 'graviora mala et damna prioribus,' and was abolished the next year (*ib.* No. 499).

[2] Fournier, I. Nos. 472, 474, 488. There is a stray allusion to 'audiendo . . . in jure canonica vel *in theologia*' in 1317 (Fournier, I. No. 374). This may refer to the Schools of the Dominicans, who in 1405 were admitted to the privileges of the University (Rangeard, II. 271; Fournier, I. No. 442). The Bull of Eugenius IV grants the right of graduation but not expressly the *jus ubique docendi*. The members of the Faculty of Arts were not admissible to offices of the University till 1494 (Fournier, I. Nos. 491, 494); and then a long conflict between the Faculties began, which extends beyond our period.

of Orleans. Here also the full rights of Regency (*i. e.* the right of giving ordinary lectures) were confined to a small, limited and probably co-opting College of Doctors. The Statutes of 1373 provide for three or four Doctors of Law, two or three in the Decretals, and two in the Decretum [1]. In 1494 the number of Regents in Law was reduced to six —four in Civil and two in Canon Law [2].

Colleges.

The Collége de Fougères for four scholars of Law was founded by Guillaume de Fougères in 1361 [3]; the Collége de la Fromagerie for four scholars in 1408 [4]; the Collége de Bueil for a Principal, Chaplain, and six scholars in 1424 [5].

Numbers.

A Roll of the year 1378 gives the names of 14 Doctors, 5 Licentiates, 73 Nobles, 286 Bachelors, and 188 Students [6]. From the large proportion of Bachelors to simple students, it is probable that a large number of the latter did not send in their names.

§ 4. TOULOUSE (1230, 1233).

There is no complete History of the University of Toulouse. A few documents and notices occur in DE LAFAILLE, *Annales de la Ville de Toulouse*, 1687. There is a clear sketch of the history of the University in a succession of articles by GATIEN-ARNOULT in *Mém. de l'Acad. des sciences, inscriptions et belles-lettres de Toulouse*, 1857, 1877, 1878, 1881, 1882; also *Trois maîtres de Théologie à l'Université de Toulouse* in *Revue de Toulouse*, 1866. But the most important work on the subject is contained in the new edition of the monumental *Histoire de Languedoc* by DEVIC and VAISSETTE, with Preface by A. MOLINIER, T. VII. VIII., published by Privat, Toulouse, 1874,

[1] Rangeard, II. 216; Fournier, I. No. 396. Afterwards we hear of a Regent 'pour la nation d'Anjou' (*ib.* No. 439). There are traces of a connexion between a Regent and a particular Nation at Orleans also.

[2] Fournier, I. No. 492. At this time they enjoyed 'Salaria . . . de erario publico totius nostre Universitatis' (*ib.* No. 498).

[3] Rangeard, II. 205; Fournier, I. No. 385.

[4] Rangeard, II. 273; Fournier, I. No. 447. It is noticeable that the deed of foundation contemplates the admission of pensioners. The College was under the supervision of the College of the University.

[5] Rangeard, II. p. 307; Fournier, I. No. 467.

[6] Fournier, III. No. 1897.

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with a full collection of documents. There are also articles by RODIÈRE, *Recherches sur l'enseignement du Droit à Toulouse* in *Recueil de l'Acad. de législation de Toulouse*, T. IX. (where the Statutes of 1314 were printed for the first time) X. XV.; and by DU BOURG, *Épisode des luttes de l'Un. et du capitole de Toulouse* in *Mém. de l'Acad. de Toulouse*, 1889. SAINT-CHARLES has published a series of articles on the various Colleges in the *Mém. de l'Acad. de Toulouse*, 1883-1886.

Toulouse the first University founded by Papal Bull.

The foundation of the University of Toulouse is an event of very considerable importance in the history of the medieval University-system. It exercised a marked influence over the development of the University idea in the medieval mind. It was, indeed, the first University (with the partial exception of Palencia) that can properly be said to have been founded at all. A very peculiar combination of circumstances suggested to the Pope the idea of reproducing artificially in the City of Toulouse the institution or system of institutions which had spontaneously developed themselves at Paris and Oxford. And this precedent in turn suggested the notion that the Pope could 'found' other Studia Generalia at the request of a Sovereign or a City, in the same way as he had founded Toulouse for his own special purposes: and from that notion it was but a step to the development of the theory that a Studium Generale could only be founded by the Pope or his rival in the government of the medieval world-state, the Holy Roman Emperor.

Origination in the triumph of the Church over the Albigensian heresy.

It would lead us too far away from our subject to dwell in any detail upon that momentous crisis in the history of medieval Europe which is constituted by the Albigensian movement and its tragical sequel, the Albigensian Crusade. In that movement, at once religious and intellectual, born of the freedom, the brightness, the 'lay spirit' engendered of prosperous commerce and a sunny City life, we seem to trace the dawn both of a healthier Renaissance and a more joyous Reformation. In the suppression of all that Languedocian and Provençal freedom, civil, religious, intellectual, by the assembled chivalry and the assembled ruffianism of Europe, we see anticipated the hardly less ferocious if less earnest counter-reformation of the sixteenth

and seventeenth centuries—the S. Bartholomew, the Dragonnades, the Jesuit-domination. The place that was occupied in the counter-reformation by the Jesuit Colleges was taken in the thirteenth century by the Dominicans, but to some extent also by the University of Toulouse; which was, indeed, largely in the hands of that Order. The University was intended as a sort of spiritual garrison in the heart of the conquered land of Heresy.

Intended as a spiritual garrison of Languedoc.

Toulouse was the very focus of the religious and intellectual fermentation which had at length broken forth in the Albigensian heresy: at Toulouse therefore it was determined to establish a great School which should be specially devoted to the maintainance of the Catholic faith and the extirpation of heresy. In the North of France, where culture was more theological and more ecclesiastical than it was in the South, the intellectualism of the age was on the whole of a far less bold and destructive character than in the South of France with its educated laity, its sceptical troubadours, and its peculiarly indolent and ignorant clergy: it was determined, therefore, to build up a seminary of ecclesiastical learning upon the ruins of the vernacular and secular culture of Languedoc. It was, indeed, recognized that even among the clerks of Paris the spirit of enquiry and bold speculation had made great advances: at Toulouse the danger was to be averted by a careful choice of teachers. The theological Faculty was in the hands of the Friars; and an Abbot was sent to Paris to select Masters for the other Faculties[1].

Germ of the University in lectures founded by Honorius III.

The idea of sending Parisian Theologians to extirpate heresy in Languedoc seems to have originated with that great patron of the rising Universities, Honorius III[2]: and some theological lectures were actually started. In the mind of his successor, Gregory IX, the project grew and ripened into the conception of a completely equipped

[1] Elias of Guarni, Abbot of Grand-Selve. Gatien-Arnoult, *Mémoires*, 1857, p. 206.

[2] In 1217 Honorius III had written to invite Parisian Masters to come to Toulouse to apply themselves 'lectioni, predicationi et exortationi' (Fournier, I, No. 502).

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The Treaty of Paris 1229.

Studium of the Parisian type. On Maundy Thursday 1229, before the great door of Notre Dame at Paris, the final treaty was signed between the conquered Count Raymond of Toulouse and his orthodox conqueror, Louis IX. By an article of that treaty it was provided that for ten years Raymond should pay salaries amounting altogether to 400 marks *per annum* divided among fourteen Professors; there were to be four Masters of Theology with fifty marks, two Decretists with thirty, six Artists with twenty[1], two Grammarians with ten. The moment was most auspicious for the success of the new enterprise. The University of Paris had just decreed a dispersion in consequence of the great dispute with the burghers. There was therefore no difficulty about attracting unemployed Professors to Toulouse: and Parisian scholars would naturally follow the Parisian Masters. The lectures started before the year was out. At least the Grammarian, Johannes de Garlandia, afterwards one of Roger Bacon's instructors at Paris, was there by the close of the year; though the chief theological teacher, the Dominican Roland of Cremona, did not arrive till the next[2]. Soon after the opening of the Schools a sort of prospectus or advertisement of the University was sent in the name of the Masters and scholars of Toulouse to their scholastic brethren throughout Europe, describing in glowing terms the advantages offered by the new institution[3]. It is a noteworthy indication of the spirit which governed the educational policy of the Popes that, so far from any attempt being made to suppress the new Aristotelian Science, it is spe-

Favoured by the Parisian Dispersion.

The circular Programme.

[1] Fournier, I. No. 505.

[2] Denifle, I. p. 327. Johannes de Garlandia has left a poem, *de triumphis Ecclesiæ* (ed. Wright, London, 1866, pp. 92–105), in which the establishment and decay of the University are vividly described. As authorities for the subsequent narrative, I may refer generally to this poem, to the ghastly account of the suppression of heresy in Toulouse during these years in the *Chronicon* by one of the Toulouse Dominicans, Guillelmus Pelissus (ed. Molinier, Anicii, 1880), and to the accounts derived mainly from these authorities by M. Gatien-Arnoult and Denifle.

[3] Fournier, I. No. 504.

cially mentioned as one of the attractions of the Studium, that the works of Natural Philosophy (which had been forbidden at Paris) were to be taught freely at Toulouse [1]. It was the teachers rather than the books that had been suspected at Paris. Dominican influences were paramount in the establishment of the Schools of Toulouse: and the policy of the Order was to direct education, not to suppress it. They believed in reason, though in reason supplemented by force. John of Garland [2] has neatly expressed the attitude of the Dominican Inquisitor-doctor in the line:—

'Pravos extirpat et doctor et ignis et ensis.'

I have dwelt on the constitutional importance of the foundation of Toulouse by Papal Bull. The issue of a formal Bull of erection was, however, a mere after-thought. Originally the Schools set up in Toulouse by the Papal Legate differed in no respect from the Schools established by voluntary migrations from the old Studia Generalia at Padua or Vercelli, at Orleans or Cambridge, except in the fact that their teachers were salaried. At first the Schools were no doubt more or less filled by some of the voluntary exiles from Paris: but, as soon as the troubles at Paris were at an end, the old University naturally asserted its superior prestige: and then difficulties of a different kind arose at Toulouse. The Count would not pay the stipulated salaries: the Capitouls or Consuls of Toulouse, in spite of the Crusade, retained sufficient spirit to offer a scarcely veiled resistance to the wholesale burnings of the Dominican Inquisitors; and the University, in which the Dominican Doctors occupied so prominent a position, was naturally involved in the dispute. The Studium gradually

Failure of the first foundation.

[1] 'Libros naturales, qui fuerant Parisiis prohibiti, potuerunt illic audire qui volunt naturæ sinum medullitus perscrutari.' It is not quite certain, as is assumed by M. Gatien-Arnoult, that the prohibition was still in force at Paris. See above, vol. I. p. 358. Though nothing had been said in the treaty about the teaching of Music, one of the attractions held forth is that 'organiste populares aures melliti gutturis organo demulcent.'

[2] *l. c.* p. 92.

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melted away[1]. The issue of a Charter bestowing on the Masters and scholars of Toulouse all the privileges enjoyed by their brethren of Paris, and artificially ensuring for the Toulouse promotions the prestige which had been gradually and spontaneously accorded to those of the great self-developed Studia Generalia, was one of the expedients adopted by the Pope to secure the success of his scheme for extinguishing the remains of the great spiritual rebellion which, though damped, was still smouldering in the capital of Languedoc. The Bull[2] conferring on the graduates of Toulouse the *jus ubique docendi*[3], the dispensation from residence, the right to have rents taxed by a joint board of clerks and laymen, the immunity from the secular Courts, and in general all the privileges enjoyed by the Masters of Paris was issued in 1233. At first, however, the expedient failed to produce the desired effect: for in 1235 the Consuls waxed bold enough to expel the most prominent Dominicans, and the salaries were still unpaid.

Papal Bull conferring *jus ubique docendi*, 1233.

Second Collapse.

Revival, 1239.

Excommunication at length reduced the Count to obedience. In 1236 the black terror was re-established, and the fires were rekindled in Toulouse. By 1239 we learn that the salaries had been duly paid: the opposition of the Consuls was suppressed[4]: and a further and more

[1] 'Florentis studii paulatim turba recedit;
Hæc ego qui scribo cuncta recedo prius.'
(Joh. de Garland. p. 105.)

[2] Fournier, I. No. 506. Yet from the first the Studium was to be a 'Studium solemne,' *i. e.* generale (Joh. de Garland. p. 92).

[3] 'Ut quicumque Magister ibi examinatus et approbatus fuerit in qualibet facultate, ubique sine alia examinacione regendi liberam habeat potestatem.'

[4] Pelissus, p. 31 *sq.*; Fournier, I. Nos. 510–516. The University was clearly in working order in 1243; since a College was founded in that year. See below, p. 168. We hear nothing of any salaries in later times, but it is clear that the ordinary chairs were limited in number. In 1441 we find a Doctor selling his place and 'auditorium' to a successor, whom he undertakes to present to the University for the appointment (Fournier, I. No. 821). In 1470 the Parlement of Toulouse declared that 'les recteur et docteurs régens de la dicte Université vendoient communément et ont vendu et délivré au plus offrant et dernier enchérisseur les chaires et régences des ditz facultés . . . et comme choses

ample Charter of Privilege conferring in detail all the liberties and privileges recently bestowed upon Paris was issued by Innocent IV in 1245[1]. By this Bull it was directed that the Scholasticus of the Cathedral, who from the first had no doubt presided over the promotions, should be called Chancellor.

Bull of 1245.

From the circular issued to the scholars of Christendom at the opening of the University it appears that all the Faculties were represented at Toulouse from its earliest days: Toulouse was one of the very few Universities wherein this was the case. In the Faculty of Theology, however, a peculiar sanctity still attached to the degrees of Paris: and the permission to create Doctors of Theology, though apparently involved in the terms of the Bulls granted by Gregory IX and Innocent IV, was rarely if ever acted upon. At all events in 1335 we find Benedict XII addressing a Bull to the Chancellor in which a recent graduation in Theology at Toulouse is treated as an unauthorized usurpation and the practice forbidden for the future[2]. In 1360, however, the University petitioned Innocent VI, himself an *alumnus* of Toulouse, for the express authorization of graduations in Theology. One of the grounds alleged in support of the petition is interesting to the English reader; it is noticed that in England, though a smaller country than France, there were two Studia Generalia in Theology[3]. Oxford and Cambridge had been, indeed, till very recently the only Universities in the world besides Paris that possessed Faculties of Theology with an unquestioned right of promotion. The earlier policy of the Popes had been to respect the Parisian monopoly. It was the Toulouse Pope, Innocent VI, who first infringed this monopoly by issuing a Bull authorizing the conferment of

Theological Faculty, 1360.

estans au commerce des hommes' (*ib.* No. 858), and forbade the practice.

[1] *Hist. de Lang.* VIII. c. 1184; Fournier, I. No. 523.

[2] *Chartul. Univ. Paris.* T. II. Nos. 993, 994; Fournier, III. Nos. 1902, 1903.

[3] 'In regno Anglie, quod modica insula respectu regni Francorum existit, duo sunt generalia studia in facultate predicta' (Fournier, I. No. 640).

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Theological degrees at Toulouse in 1360[1]; and a regular Theological Faculty was henceforth organized: but Theology still continued practically in the hands of the regular Orders. Throughout the Schism Toulouse, the child of the Papacy, showed herself worthy of her parentage and justified her foundation by steady devotion to the Curialist cause and sturdy resistance to the Gallicanism of Paris and the other Universities[2]. The University was, however, mainly, like all the Universities of France, except Paris and the Medical School of Montpellier, a University of Law. As such it occupied in the South of France, especially after the decline of the Law Faculty of Montpellier in the middle of the thirteenth century, the position which was occupied by Orleans in the North. In Southern Europe generally it was for legal education—the indispensable qualification of the growing profession of secular lawyers as well as the safest road to preferment in the Church—that the demand was keenest. The institution of the Parlement of Languedoc in 1273[3] no doubt gave an impulse to the legal studies of the University and accounts for the prosperity which soon after this period began for the first time to attend the University. In many of the French Provincial capitals we shall find the establishment of a University looked upon as the natural sequel to the establishment of a Parlement. At this time Toulouse produced several Jurists of considerable political and historical and even some scientific importance, especially the three advocates whom Philip IV chose to plead his cause against the Bishop of Pamiers, that is to say, in reality against the Pope himself, at the Court of Boni-

Prominence of Law.

[1] *Hist. de Languedoc*, VII. *notes*, c. 551; Fournier, I. No. 641. This Bull makes it plain that there was a regular and organized teaching Faculty of Theology in the town already. Degrees in Theology were sometimes conferred at an earlier date by special Papal Bull (Fournier, I. Nos. 605, 606).

[2] Bulæus, IV. p. 755; V. 4 *sq.* 120 *sq.* Cf. Fournier, I. No. 760, *note*. See also an Art. by Astre in *Mém de l'Ac. des Sciences de T.*, 1869.

[3] Rodière, *Recueil*, IX. p. 253. The Roman Law prevailed in all dominions of the Counts of Toulouse. It may be more than a coincidence that Accursius taught in Toulouse in this very year (*ib.* p. 254).

face VIII—Pierre Flotte, Guillaume de Nogaret, Pierre de Belle-Perche [1]. The University, in spite of its Papal origin, gave in its adhesion to the King's appeal to a General Council [2]. It was the French Schools of Civil Law which formed the great Jurists and Judges to whose political theories and judicial activity the French Monarchy and the French State owed so much in their struggles against ecclesiastical domination: and among these Schools Toulouse was second in importance only perhaps to Orleans.

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The constitution of Toulouse exhibits an attempt to combine some features of the Parisian constitution with the recognition in a very attenuated form of student-rights in the Jurist Faculty only: like the Solonian constitution approved by Aristotle, it allowed to the democratic element *τὴν ἀναγκαιοτάτην δύναμιν*. The General Congregation would appear to be composed of the students in Law and the Professors of all Faculties—including the *Lectores* in Theology (whether Doctors or not) and the Masters of Grammar [3]. The Rector must be a Master, but is elected by the students [4]: he is taken from each of the four Faculties in turn, and in practice is chosen by rotation in order of seniority. The students formally enact the Statutes, but their direct share in the govern-

Constitution.

[1] See Gatien-Arnoult, *Mém. de l'Ac. des Sci. de T.* 1881, p. 2 *sq.*

[2] Fournier, I. No. 537.

[3] The Statutes of 1311, 1313, and 1314 are given in *Histoire de Languedoc*, VII. *notes*, c. 447 *sq.*, c. 462 *sq.*, c. 478 *sq.*; and in Fournier, I. Nos. 543, 544, 545. Canon Law and Civil Law count as separate Faculties. Grammar is always treated as a distinct Faculty, though scholars of the Faculty were often children under ten. At the latter age they were required to swear obedience to the Rector. In 1311 there was evidently no regular Faculty of Medicine. 'Medici' seem contemplated in 1314.

[4] 'De concilio et assensu magistrorum in theologia, vel ipsis non existentibus, de concilio et assensu lectorum et doctorum, magistrorum et procuratorum, bacalariorum et scolarium vel majoris partis eorumdem' (Stat. of 1313, cap. 5). The exact effect of this Statute is doubtful, but the share of the students was probably meant to be nominal. It is not clear whether students of Logic and Grammar had votes—probably not. Nor do the Artists appear to have had any Congregations of their own. In 1480 the scholars appoint a Syndic to take legal proceedings against the Regents (Fournier, I. No. 860).

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ment is an almost nominal one. The ordinary administration of the University is in the hands of a body composed of the Rector and the Consiliarii or (as they were sometimes styled) Proctors. The Consiliarii are chosen by the students, but four are to be Masters (one in each Faculty)[1]; two are Bachelors of Law and only two simple students in the last-named Faculty. To these elected Councillors one was added by the Bishop and one by the Chancellor, while the whole of the Lectores in Theology (whether Doctors or not) sat with them[2]. This body was known as the *Concilium Rectoris*.

Reform of 1313.

In 1313 this constitution was modified by the admission of the Doctors and Masters of all Faculties and of the Syndic. The nominated Councillors seem to disappear, but the Bachelors and the students retain their four Proctors. It is doubtful whether after this date the students were ever really assembled for any purpose except the election of Rector and Proctors. Certainly we find Statutes enacted by the Council without consulting the students and published in an Assembly to which, besides the Council, certain prelates and the Priors of the four principal Colleges were summoned: these give their adhesion to the Statutes, but there is no indication of the students as a body being invited to any effective kind of cooperation. While within the University the lion's share of influence[3]

[1] *i.e.* Canon Law, Civil Law, Logic, Grammar. There are some earlier traces of medical study at Toulouse, but the first document in which Masters of Medicine appear in the University Council is dated 1423 (Fournier, I. No. 796).

[2] The Statutes of 1314 are enacted by the Doctors 'de consilio et accensu et de voluntate etiam et assensu totius universitatis studii.' The Statutes of 1311 speak of *Consiliarii*, those of 1313 of *Procuratores*. The Doctors (without the Consiliarii) had, it appears, the power of making 'Ordinances' about Lectures and other small matters. In 1470 the Parlement ordered that the two Bachelor-councillors should be collegiate students, the other two non-collegiate, and should be elected by the Regents (Fournier, I. No. 858). It is quite probable that this had long been the actual practice.

[3] Fournier, I. Nos. 764, 765, 766. In No. 779 we find, however, a large body of Bachelors and scholars 'majorem et saniorem partem Universitatis predicte . . . facientes' professing to appoint syndics or legal representatives of the University.

decidedly belonged to the Masters, the legislative powers of the University were in the earlier days of the Studium much restricted by the large prerogatives still reserved to the Bishop, whose consent was required for all but the most trivial acts of Congregation [1], and later by the frequent interference of Papal Legates. The Chancellor, too, had more power than in most Universities which possessed a Rector. He presided over the Rectorial elections, received an oath of obedience from candidates for the Bachelor's degree, and conferred that degree himself. Though the elected Rector gradually gained in importance upon the Chancellor and became the working Head of the University, the latter retained to the last his right of precedence [2]. Jurisdiction over scholars was divided between the diocesan (or his Official), the Apostolical Conservator and the Seneschal of Toulouse, who as Royal Conservator, occupied much the same position as the Provost at Paris [3].

[1] Thus in 1311 the Licence of the Bishop is required for any acts of Congregation except the expenditure upon 'lights and other pious uses' of sums not exceeding lx *libræ Turonenses*, while the 'interdictio' or 'cessation of Lectures,' except 'per modicum tempus,' is also reserved to him or to his official, though this restriction had disappeared before 1426. See Fournier, I. No. 800, *note*.

[2] In 1430, however, they were to march side by side where possible. As illustrating the position of the Chancellor, it is interesting to notice that it is stipulated that he shall be styled 'Cancellarius Tholosanus' or 'in ecclesia Tholosane,' never 'Universitatis Tholosane' (*Hist. de Lang.* VII. *notes*, c. 604; Fournier, I. No. 774).

[3] Fournier represents the Bishop as 'ceding part of his jurisdiction' to the Capitouls in 1269 (Nos. 526, 527); but he authorizes nothing but the arrest of scholars for immediate surrender to ecclesiastical custody. This power was usually exercised, even where the rights of the clergy were most respected, without special ecclesiastical approval. It involved no *jurisdiction* over clerks; till a man was arrested it could not be ascertained whether he was a clerk or not. Even the Canon Law did not require the lay authority to let a criminous clerk taken red-handed run away before their eyes. In 1292 Philippe le Bel had to restrain the Capitouls from imprisoning or torturing scholars or flinging them into the Garonne by night. Later there is no doubt about the episcopal jurisdiction over clerks, but there remained much dispute as to the justice of lay scholars which is claimed by the Pope for the Archbishop (Fournier, I. Nos. 561, 563 *sq.*; Denifle, *Les Univ. franç.* p. 63). It will be noted that the Scholasticus or Chancellor had no jurisdiction in the strict sense.

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Numbers.

A Roll presented to Clement VII in 1378 enables us to furnish a tolerable estimate of the numbers of the Studium. It contains, of course, only the names of ecclesiastics, but here these would probably be a large majority. As the mere Grammarians are included, whose title to preferment cannot have been great even if we suppose the youngest boys to be excluded, we may take it that the list includes at least the whole body of students who were prepared to take orders if a benefice could be secured. The list contains the names of five Regent Doctors of Theology (all Regulars), six of Canon Law, one of Civil Law, one of Arts and two of Grammar, five Non-regent Doctors, 29 Licentiates of various Faculties, 154 Bachelors of Decrees, 62 Bachelors of Civil Law, 40 Scholars of Decrees, 130 Scholars of Civil Law, 47 Bachelors of Arts, 246 Scholars of Arts, and 295 Grammarians. The total number of Licentiates, Bachelors, and Scholars was 1,384[1]. In the year 1335 a contemporary chronicler speaks of 3,000 students[2]. By putting the two statements together it is made tolerably clear that the total number of students in the fourteenth century cannot have fallen far short of 1,500 and (allowing for the usual medieval exaggeration) cannot have much exceeded 2,000[3].

Colleges.

In the early days of the University we find Innocent IV giving general directions that poor scholars should be received into the Hospitals for poor folk in the outskirts of the City[4]. Toulouse afterwards became peculiarly rich in Colleges, some of them of considerable size and endowment. The first, named after its Founder, Vidal Gautier of Toulouse, dates from 1243[5]. The Cistercians of Grandselve established a College for their Order in 1286[6]. The

[1] Fournier, I. No. 697.

[2] *Ib.* I. No. 575.

[3] As Molinier and M. Fournier seem puzzled by the expression *Bancarii* or *Banquarii* in the Toulouse Statutes, it may be well to explain that they are evidently the private Bedels of the Doctors, probably so-called from their looking after the benches (*banchi*) of the Schools.

[4] *Hist. de Languedoc*, VIII. c. 1188; Fournier, I. No. 520.

[5] *Hist. de Languedoc*, VIII. c. 1110; Fournier, I. No. 517.

[6] Fournier, I. No. 529.

Collége de Verdale for two Chaplains and ten scholars was founded in 1337 by Arnaud de Verdale, a Doctor of both Laws, and afterwards Bishop of Maguelone[1]. In 1358 the Toulouse Pope, Innocent VI, richly endowed and privileged the College of S. Martial which provided for ten Civilians, ten Canonists, and four Chaplains[2]. The other Colleges founded before 1500 were: (1) The Collége de Bolbonne (for monks of the Abbey of that name), 1286–1290; (2) the Collége de Montlezun, founded by the brothers Bertrand and Peter Montlezun in 1319; (3) the Collége Bérenger, before 1341, by a citizen of that name; (5) the Collége de Narbonne, in 1341, by Galbert, Archbishop of Arles; (5) the Collége de Périgord or de S. Front, founded by Cardinal Talleyrand de Périgord about the year 1360; (6) the Collége de Maguelone, founded by the will of Audouin Aubert, Cardinal Bishop of Ostia in 1363 (for Arts); (7) the Collége de S. Raymond, before 1373, probably much earlier; (8) the Collége de Ste Catherine de Pampeluna, by Pierre de Montirac, Cardinal of Pampeluna about 1378; (9) the Collége de Mirepoix, by a Bishop of that See, in 1415; (10) the Collége de Foix in 1440 by the Cardinal de Foix[3]. These Colleges were of an even more distinctly ecclesiastical type than those of Paris. Most of them were under the

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[1] Fournier, I. Nos. 593, 597.

[2] *Ib.* Nos. 613–622, 624–639, &c.

[3] The names and dates are collected from the documents in Fournier. Besides these, there were many Hospitals and Churches which maintained Scholars (Fournier, I. No. 640). A College 'de l'Estude' is mentioned in 1406 (Fournier, III. No. 1913). For indications of College teaching, see a document of 1486 (*ib.* I. No. 866). Most of these Colleges lasted till the Revolution. Part of the Collége de Foix now forms the Convent of the Compassion; a description and picture may be seen in *Mém. de l'Acad. de T.* for 1885. The Collége de Périgord is now the Diocesan Seminary (*ib.* 1886). There is no reason with Fournier (I. No. 530) to assume that there was a 'Collége de Moissac' because certain monks were sent from that Abbey to study at Toulouse. There is no actual documentary evidence of a 'Collége de Bolbonne,' though Fournier (*ib.* No. 531) says there is no doubt of its existence. The Collége Bérenger (*ib.* No. 594) was very probably founded by one of the Capitouls condemned for the affair of Aimery Bérenger in 1331. See below, chap. xiv. One of the Capitouls bore the same name as the victim.

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government not of a single head but of two Chaplains. At the College of S. Martial, where there were four Chaplains, two of them served as 'Priors' in alternate years. It is interesting to notice, however, that the dual control was not a success and was abandoned at this College in 1380[1]. A similar change is shown in all later College Statutes at Toulouse. The Colleges of Toulouse seem to have been peculiarly well endowed, and we hear complaints that their Bursaries were enjoyed by rich and well-beneficed persons[2]. As an interesting anticipation of a later mode of scholastic encouragement, it may be noticed that the town of Albi frequently made grants to enable poor students to study at Toulouse[3].

§ 5. AVIGNON (1303).

The chief special authority is LAVAL, *Cartulaire de l'Université d'Avignon*, Avignon, 1884; but this small collection of documents is largely supplemented by Fournier. Laval has also written an *Histoire de la Faculté de Médecine d'Avignon*, Avignon, 1884, which is chiefly on the post-medieval period. There is also a slight dissertation by ÉCOIFFIER, *Recherches historiques sur la Faculté de Médecine d'Avignon*, Montpellier, 1877. To these may be added BARDINET's academic dissertation, *Universitatis Avenionensis historica adumbratio*, Lemov., 1880, and FOURNIER, *Une corporation d'étudiants à Avignon en* 1441 (*Nouvelle Rev. hist. de droit. franç.*, 1887).

An ancient School of Law.

A School of Law existed at Avignon before its erection into a Studium Generale[4]. There were apparently

[1] Fournier, I. Nos. 617, 700. There was, from the first, a proviso that the College may elect others as Priors. At the Colleges of Verdale and Narbonne the two Chaplains are perpetual 'gubernatores' or 'provisores' (*ib.* Nos. 593, 595).

[2] An elaborate account of the revenues of these Colleges is given in the pleadings of the City of Toulouse against their claims to exemption from contributions in respect of their houses and estates, the repair of the walls and other civil purposes in *circa* 1406. It is alleged that they are often filled by 'plusieurs hommes grandement bénefficiés qui des revenues de leurs béneffices, et les autres des biens de leurs parens et amys, se pourroyent bien soutenir et nourrir oudit estude' (Fournier, III. No. 1913, p. 588). It is also alleged that 'les escolliers desdiz collèges, quant il leur plaist, se marient et sont gens lais.'

[3] Jolibois, *Inventaire des Archives municipales d'Albi*, Pref. p. 53 (cited by Fournier, *Hist.* III. p. 276).

[4] Fournier (*Hist.* III. p. 572; *Statuts*, II. No. 1236) mentions the

Doctors of Law teaching here in 1263[1]. In 1298 Charles II, King of Naples and Count of Provence, issued an edict taking the scholars of Avignon under his special protection, and ordaining that in future 'the students and readers as well in Decrees as in Laws shall be declared and licensed' by the Prince's Chancellor of Provence or his deputies[2]. It is difficult to decide from this somewhat ambiguous document whether it was proposed that graduations in Law should take place by virtue of it alone and without any further Papal or Imperial authority. If such was his intention, he was no doubt imitating the constitution of his predecessor's University of Naples, which was likewise under the government of the Royal Chancellor[3]. But at all events there is no claim to the *jus ubique docendi*, and no evidence that any promotions ever actually took place. It is, however, clear that a 'University of Doctors and scholars' was organized before the year 1302[4], when the same Count confers further privileges upon the University, and in particular accedes to their request to be allowed to elect a 'Merchant' (or banker) from whom they might borrow money in spite of a recent edict against usury[5]. We know, however, little or nothing as to the organization of the Studium until its erection into a Studium Generale by

Ch. VIII, § 5.

Bull of Boniface VIII, 1303.

provision made in 1227 by the Cardinal Legate Romanus for the teaching of Theology at Avignon (as at Toulouse, above, p. 159), and the support of twelve poor scholars, but nothing may have been done in the execution of this provision: there is no trace of a Studium Generale, nor did it have any influence upon the eventual development of a University.

[1] Fournier, II. No. 1239.

[2] Fournier, II. No. 1241. This document was unknown to Denifle. A document of 1297 (*ib.* No. 1240) shows almost certainly that there was no University in the place—at least no Medical Faculty—since the examination of Medici was entrusted to the 'Officiales civitatis.'

[3] See above, p. 24.

[4] When Fournier (*Hist.* III. p. 577, 603) objects to Denifle treating Avignon as a University founded by Papal Bull, he seems to forget that a Universitas does not necessarily make a Studium Generale. There is no evidence that the Studium at Avignon was regarded as, or even pretended to be, general before the Bull.

[5] 'Universitas hominum civitatis Avenionensis, cetusque doctorum studii venerabilis ibidem . . . ostenso quod doctoribus et scholaribus, ipsis presertim exteris et remotis ibi studentibus . . . inedia et defectus frequenter emergunt . . . suppliciter postulaverunt.' Fournier, II. No. 1242.

CH. VIII, § 5. Constitution.

a Bull of Boniface VIII [1] in 1303, with a Charter of Privilege from the Count [2].

As in all the older Universities of this group, the authority of the Bishop over the Studium was originally supreme. Under the Bishop, the Doctors possessed the chief power. The first Statutes were issued by Bishop Bertrand Aymin in 1303 [3] 'by the advice and assent of the Doctors'; and by these Statutes the Doctors were authorized annually to elect a Primicerius [4] as the immediate Head of the University, whose office, though less important, was closely parallel to the Chancellorship of the Montpellier University of Medicine. The title was no doubt borrowed from that of an official who in some Cathedrals discharged the functions of a Chancellor. The Bishop reserved to himself the conferment of the Licence, and at first the appointment of the Ordinary Doctors, who formed a College which practically monopolized the government of the Studium. Eventually, however, this body seems to have co-opted its own members [5]. The University long remained almost exclusively a University of Law. The

[1] *Cartulaire*, p. 1; Fournier, II. No. 1244.

[2] *Cartulaire*, p. 9; Fournier, II. No. 1243.

[3] Fournier, II. No. 1245.

[4] The title, which appears as a University Office only here, and (later) at Aix and at Valence, is a very ancient one. We hear of a 'Primicerius Scholæ Forensium Civitatis Ravennatis' (Marini, *Papiri*, No. 110). There is a title in the Decretals of Gregory IX (lib. I. lit. xxv. c. 1), *de officio Primicerii*, from which it appears that in some Churches the Primicerius performed the duties of Chancellor or *Magister Scolarum*: while the Primicerius of the *Scola Cantorum* at Rome appears in a deed of 949, printed in *Il regesto Sublacense* (ed. Allodi and Levi, Roma, 1885), docs. 112, 113, and in a Decretal of Alexander III (Sarti, I. pt. I. p. xvii).

[5] The claim is made in the Statutes framed by the Primicerius and College in 1376 (Fournier, II. No. 1256). In 1439 the Bishop is expressly styled Chancellor (*ib.* No. 1326). It is clearly a mistake to say (writes Fournier) that 'La remise des *insignia doctoralia* . . . les faisait docteurs et membres du *collegium doctorum*' (*Hist.* III. p. 613). This may have been so at first when the College was open to all resident Doctors, but when it became (if it was not always) a close corporation, there must have been Doctors outside it, and the tradition of *insignia* was here as elsewhere part of the ceremony of taking the Doctor's degree. See the Doctoral diplomas in Fournier, *passim*.

Statutes of 1303 mention Doctors of Medicine and Arts, though it is very doubtful whether the first of these Faculties had any substantive and continuous existence[1] till the time of Innocent VIII, and the Faculty of Arts probably existed chiefly in the form of Grammar-schools. A Faculty of Theology was created by John XXIII in 1413.

Student-right movements.

As at Angers and Orleans in the second half of the fourteenth century the students of Avignon are found in rebellion and asserting their right to elect a Rector and to participate in the government of the Studium, like their more favoured brethren south of the Alps. But at Avignon, where ecclesiastical influence was supreme[2], the democratic movement met with a very different fate. Urban V in 1367 and Gregory XI in 1376[3] issued Bulls against these rebellious students who wanted to have a Rector, in which they uncompromisingly maintained the rights of the Primicerius and the Doctors. In 1393 the students are again in rebellion, and bind themselves by an oath not to go to the Schools of the reigning Doctoral oligarchy until their demands are granted. Again, it would seem, the rebellion was crushed,

[1] We hear of Doctors of Medicine in 1371 and of Artists in the Roll of 1394: but in 1458 the University petitions the Pope for a Faculty of Medicine and Arts (Fournier, II. Nos. 1254, 1270, 1357). For the result, see below, p. 175; but in 1491 we again hear 'quod nulli erant regentes in medicina' (Laval, *Fac. de Méd.* p. 29). In this year the Faculty made a real beginning. Its previous failure was perhaps due to the large number of Jewish practitioners in the place (*ib.* p. 8).

[2] It is instructive to contrast the fate of the Student-movement at Avignon with that of the similar movement at Angers. The triumph of the students was there secured by the lay Judges of the Parlement, themselves very probably educated in Law-Universities: the Scholasticus did his best to get the case transferred to the ecclesiastical Courts. Rangeard, I. 379; above, p. 154.

[3] *Cartulaire*, pp. 18, 24; Fournier, II. Nos. 1249, 1257. The first Bull recites: 'Cum ... inter dilectos filios doctores et scolares studii Avinionensis ex eo questio sit exorta quod doctores per unum ex eis primicerium appellatum, secundum antiquam consuetudinem dicti studii, scolares vero prefati per unum ex ipsis appellandum rectorem et per ipsos eligendum, sicut fit in nonnullis aliis studiis, asserunt debere regi studium prelibatum; nos ... mandamus quathenus antiquam consuetudinem dicti studii super hoc facias inviolabiliter observari.' The old constitution is still upheld in the Statutes issued by the Bishop with the consent of the Doctors in 1407. Fournier, II. No. 1279.

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Settlement of 1459.

since we find two Cardinal Legates dispensing the scholars from the obligation of their contumacious oath[1]. It was not till 1459 that the students at last obtained from Pius II some scant recognition of what were everywhere else in Southern Europe regarded as the natural and indefeasible rights of the Civilians and Canonists. And then the partial success of the students (if such it was) would seem to have been largely due to the *hauteur* with which the proud Doctors of Law had given the cold shoulder not only to the Doctors of the inferior Faculties of Medicine and Art but even to their rightful superiors, the Doctors of Theology. The Pontiff had heard with indignation that 'lay polygamous Jurists' had presumed to take precedence of Masters of Theology, and to monopolize for themselves and their Primicerius the whole authority in the University. These pretensions are peremptorily rejected. It is declared that all the four Faculties shall form a single University. The office of Primicerius is abolished and the University placed under the immediate headship of the Bishop as Chancellor. Under the Bishop there is to be a Rector elected by the Council of the University, to which all academical power—except the elective vote—is to be entrusted. The Rector is himself to be at least a Master of Arts or a Bachelor in any other Faculty and is to be chosen from the Faculties in rotation. The Council consists of all the Regents, together with representatives of each Faculty, of whom one is to be a Non-regent Doctor, one a Licentiate, one a Bachelor, and two 'nobles or other scholars.' The constitution was thus a somewhat less democratic reproduction of that of Orleans or Angers, the Faculties being here moreover substituted for the Nations. The number of Regents who were apparently to be salaried is henceforth fixed at fourteen—five

[1] *Cartulaire*, p. 32; Fournier II. No. 1268. It is amusing to notice that the oath included the obligation 'minime per vos vel alium directe vel indirecte relaxationem, vel super illis dispensationem, vel absolutionem peteretis.' But alas! it was as easy to get dispensed from the anti-dispensation clause as from any other.

in Theology (at least four of them Mendicants), two in Decrees, three in Decretals, three in Civil Law, two in Medicine, and four in Arts[1]. It is, however, extremely doubtful whether this Bull ever obtained any real execution at Avignon. Long after its date, we still hear of the Primicerius. It seems probable that the constitution of the University remained entirely unaltered[2]. CH. VIII, § 5.

In spite of the want of student-liberties, and (what is perhaps more remarkable) in spite of the absence of Salaria[3], the University of Avignon became a very prosperous Studium towards the end of the fourteenth century, after it had recovered from the desolation wrought in Avignon by the plague of 1361[4]. In the days of the Avignon Papacy the students of Avignon naturally had advantages in connexion with their benefice-roll which were not enjoyed by students of more distant Universities; and it is not surprising to find that Avignon was particularly popular with aristocratic students. A benefice-roll of 1394 contains the names of eighteen Doctors of one or both Laws, forty nobles, fifty-three Licentiates and 359 Bachelors of Law, 467 Students in Law, and 127 Artists and Grammarians[5]. At this time the Professors were entirely supported by their fees, which their supremacy in the academic constitution enabled them to fix at a somewhat high rate. Fluctuations of prosperity.

After the removal of the Papal Court from Avignon the University gradually declined. In 1478 we are told that the Studium had been emptied by the refusal of the Doctors to lecture without salaries, which the City declined to give. Its continued existence and even some revival of prosperity were, however, secured partly by a succession of munificent College-builders and still more by the Papal patronage which the connexion of Avignon with the See Removal of Papal Court.

[1] *Cartulaire*, pp. 91–103; Fournier, II. No. 1362a. (The total is given as 18.)

[2] See *Cartulaire*, pp. 105, 109, 141, and Fournier (*Hist.* III. p. 593, *note*), who cites the *Liber Computorum Universitatis* for 1463 relating to payments for the mission to Rome 'tempore quo agebatur de suppressione primiceriatus officii dicte U. et nova creatione rectoris in eadem.'

[3] Fournier, III. No. 1950.

[4] Denifle, I. p. 361; Fournier, II. No. 1248.

[5] Fournier, II. No. 1270.

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of S. Peter enabled it to secure. Its greatest patron was the Cardinal Giuliano della Rovere, nephew of Sixtus IV, and afterwards Pope as Julius II, who became Bishop of Avignon in 1474, in the following year Archbishop of the same See, and in 1476 Papal Legate [1]. Through his influence Sixtus IV was induced to bestow, in addition to a peculiarly bounteous shower of privileges, an annual grant of 600 ducats for the payment of eight Doctors of Law. The payment was at first, in 1475, charged upon the Papal taxes and court-dues of the City [2]. Shortly afterwards, however, a new and very curious expedient was adopted. The Pope annexed to the University certain secular Courts in the surrounding district, and authorized it to appoint the judges and appropriate to itself the resultant fees and fines [3]. Sixtus IV also bestowed upon the Collége du Roure the Papal Library at Avignon [4].

Patronage of Sixtus IV.

Jurisdiction.

The jurisdiction over scholars was, it would appear, less wholly reserved to the ecclesiastical Courts than might have been expected in so ecclesiastical a City. The clerical scholars at least must of course have been subject to the Bishop's Court in criminal and personal suits: but we find no special exemption in favour of scholars as such from the tribunals of the City Magistrates. Conservators Apostolic were not appointed till 1413 [5].

Colleges.

In 1379 a College of S. Martial (or rather a College-

[1] Fournier, No. III. 1950. In this year the City resolved to invite extraneous Doctors to lecture without salary.

[2] *Cartulaire*, p. 109; Fournier, II. No. 1366.

[3] *Cartulaire*, p. 119; Fournier, II. No. 1378. From the frequent confirmations, it is clear that the measure encountered opposition.

[4] Fournier, II. No. 1383.

[5] Fournier, II. Nos. 1281, 1283, 1289 (*Cartulaire*, p. 50); *Hist.* III. p. 641. Fournier speaks of a Bull of 1289 as creating a special Vice-Gerent with 'pleine compétence pour les causes des membres du *Studium*.' As this document is not printed *in extenso*, I am unable to say whether this interpretation is correct, but he is certainly wrong in supposing (as he seems to do) that the *Conservatorium* of 1413 conveyed a general jurisdiction over students. The Conservators Apostolic, here as at Paris (above, vol. I. pp. 343, 412) and elsewhere, only punished breaches of University privilege and heard causes which but for the *jus non trahi extra* would be heard at a distance from the place.

Monastery for twelve choir-brethren and twelve students) was founded for monks of Cluny[1]; the College of Annecy by Cardinal de Brogny in 1425–30[2]; the College of S. Michel by Jean Isnard, Doctor of Laws, in 1453[3]. In 1471 the Orphanage of Jujon was made into a College—known as the College of Jujon or Dijon—for the Abbey of Montmajour[4]. In 1476 the College of St. Pierre or du Roure was founded for thirty-six students in Law by the Cardinal Giuliano della Rovere, Archbishop of Avignon, already mentioned as a great patron and restorer of the University[5]; in 1491–4 the College of Notre-Dame de la Pitié[6] by the Dominican Barthélemy de Riquetis, Doctor of Theology, (—this was really two distinct Colleges, one for twelve secular Priests, the other for twenty-four Dominican novices); in 1496 the College of Senanque or S. Bernard by Jean Cazaleti, Abbot of Senanque, for Cistercian monks[7]; and in 1500 the College de la Croix by Doctor Guillaume Ricci.

The Confraternity of S. Sebastian.

But perhaps the most interesting institution connected with this University remains to be mentioned. The Statutes of many Universities contain allusions to Student-clubs or Societies of various kinds for the purpose of electing a Captain or Abbot or Chancellor of their own. Wherever the Masters were in power these confederations, whether permanent or temporary, were put down with a strong hand. In other cases, as we have seen, the University was itself a Student-club or embraced within it national organizations composed of Students. Avignon is the only instance in which we have before us the Statutes of a Student-club which was recognized as a lawful Society by the authorities, but yet formed no part of the official organization of the University. It would seem that the students, baulked in their efforts to elect a Rector and get the government of the Studium into their own hands

[1] Fournier, II. Nos. 1260–1264.
[2] *Ib.* II. No. 1295 *sq.*
[3] *Ib.* II. Nos. 1349, 1351, 1354, 1355.
[4] *Ib.* II. Nos. 1364, 1365.
[5] *Ib.* II. Nos. 1368, 1372, *n.*
[6] *Ib.* II. No. 1399.
[7] *Ib.* II. No. 1409.

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like the students of other Law Universities, had formed an independent Society of their own which eventually secured for itself a certain legal authority and privilege. In 1441 over 200 students of Avignon (probably at this time the whole body of Law-students or nearly so) formed themselves into a Guild or Confraternity of S. Sebastian for the promotion of exactly the same religious and social ends which were aimed at by other Confraternities—the peaceable adjustment of quarrels, the promotion of mutual harmony and good fellowship, the celebration of a weekly mass, the care of sick members and the performance of funeral rites. The Confraternity was governed by a Prior and twelve Councillors. Membership of the guild was nominally a matter of voluntary consent, though the Statutes provide for practical compulsion in the shape of organized bullying or 'boycotting': the well-known workman's device of hiding an offending comrade's tools here assumed the form of 'subtracting' his books. It is curious to find Popes and Legates giving their solemn sanction to a Society which enforced its decrees by acts of private robbery. Though never forming part of the University organization, the Prior and Council were treated by the University authorities as the recognized representatives of the students. As such we find them negotiating on equal terms with the Primicerius and Doctors, while their Prior receives Papal privileges and acts as Visitor of an important College[1].

Confraternity of Doctors.

There was another and very similar institution at Avignon to which it would be difficult to find an exact parallel in any other University—a Guild or 'Confraternity' of Doctors to which all new Doctors were required to belong, though it appears it might also be joined by scholars, and its benefits, if not its membership, extended also to the Doctors' wives. As to what those benefits were we have

[1] See the Statute and other documents in Fournier, *Une corp. d'étudiants &c.*, and now reprinted in his *Statuts*, II. Nos. 1332, 1344, 1345, 1363, 1380, 1382, 1411. As to the somewhat similar but less formal Society, in the College of Annecy, see below, chap. xiv.

no information except that they included the attendance of the officers of the Confraternity with torches at their funerals[1].

§ 6. CAHORS (1332).

CRUCIUS (La Croix), *Acta et series episcoporum Cadurcensium*, Cadurci, 1617. *Statuta Academiæ Cadurcensis*, Tolosæ (no date). BAUDEL, *Discours prononcé à la distribution des prix du Lycée de Cahors* (no date or place); and *Notice historique sur l'Université de Cahors*, Cahors, 1876. BAUDEL ET MALINOWSKI, *Histoire de l'Université de Cahors*, Cahors, 1876. The last is the only important work and reprints the Statutes, but as a collection of documents it is superseded by Fournier. Cf. LACOSTE, *Hist. Gén. de la Province de Quercy*, Cahors, 1833–5.

Foundation, 1332.

The University of Cahors was erected on the basis of an old Cathedral School, where Licences had from an early period been granted more or less after the manner of regular graduations, though without the *jus ubique docendi*, by the Scholasticus of the Cathedral[2]. The Bull of foundation was granted by John XXII, who was a native of Cahors, in 1332, on the petition of the Consuls of the City[3]. Among other Bulls afterwards conferred by the same Pontiff was

[1] 'Tenebuntur dicti bajuli cum brandonis dicte confratrie associare funus ipsius defuncti ad ecclesiasticam sepulturam.' Fournier, II. No. 1342 (c. 1450–1480).

[2] 'Quodque, sicut accepimus dilectus filius Petrus Andree qui nunc est scholasticus ipsius Ecclesie Caturcensis et ejus predecessores scholastici ejusdem Ecclesie qui fuerunt pro tempore consueverunt hactenus in Civitate Caturcensi scolas conferre, et ibi legere volentibus legendi licentiam impartiri, Bidellos creare,' &c. (Fournier, II. No. 1424). This Bull, like its Parisian prototype, gave the power of imprisoning scholars to the Bishop only, but appears to recognize the Chancellor's spiritual jurisdiction.

[3] Fournier, II. No. 1422. A later Bull (*ib.* No. 1424) declares the *Scholastria* to be henceforth a *Cancellaria*. It is instructive to notice that, though the original Bull of foundation does not expressly confer the *jus ubique docendi*, this later Bull assumes that the Chancellor already possesses the power of conferring it since the Studium had become 'general.' Another Bull of the same year, however (No. 1425), excepts Paris from the *jus ubique docendi*. The Scholasticus was, it would appear, styled *Capiscol* (Baudel, *Discours*, p. 3). In 1368 Edward the Black Prince, as Duke of Aquitaine, confirmed the Privileges of this University, including the *jus non trahi extra* (Fournier, II. No. 1433), and made his Seneschal Conservator.

CH. VIII, § 6.

an almost verbal reproduction of the celebrated *Parens Scientiarum* of Paris[1]. The constitution given to the University was that of the neighbouring University of Toulouse[2]. Professorial chairs or *Regentiæ* were filled up at first by the Chancellor alone, afterwards by the Chancellor, Rector, and Regents[3].

Fluctuations.

A benefice-roll of 1343 contains the names of twelve Professors in all Faculties[4]; but by 1371 the founder of a College for 'Grammar and Logic' at Cahors speaks of the Studium as 'attenuated and, as it were, annihilated on account of the wars prevailing in those parts[5].' In the preceding year the Duke of Anjou had assigned a small pension for the maintenance of four Doctors of Law and two of Arts for eight years, but this does not seem to have been continued[6]. A benefice-roll of 1378 contains fifty-eight names: in 1380 there are only twenty-seven, in 1394 ninety-eight[7]. Another attempt to resuscitate the collapsed Studium was made in 1452 by Charles VII[8], but the University seems to have been chiefly kept alive by means of its three Colleges. These were:—the Colléges (1) de Pélegry (1358), founded by Raymond de Pélegry, Canon of London and Dean of a Collegiate Church in the diocese of Cahors[9]; (2) de Rodez, for Logic and Grammar and afterwards Law (1371), by Bernard de Rodez, Archbishop of Naples[10]; (3) de S. Michel (1473) by Jean Rubey, Archdeacon of Tornes[11].

Colleges.

[1] See above, vol. i. p. 339.

[2] 'Item quod pecunia que de collectis faciendis pro negotiis universitatis et pro banchiis, vel aliis, nomine universitatis . . . deponatur penes aliquem bonum virum per Rectorem et Cancellarium ac consiliarios studii eligendum.' Fournier, II. No. 1425.

[3] Fournier, II. No. 1428; *Statuta*, p. 24.

[4] Fournier, II. No. 1429.

[5] *Ib.* No. 1441.

[6] *Ib.* No. 1437 *sq.*

[7] *Ib.* Nos. 1443, 1445, 1450.

[8] Denifle, I. p. 364.

[9] Fournier, II. Nos. 1430, 1447. Cahors formed part of the Duchy of Aquitaine, and was then in English hands. The foundation was extended by Hugh de Pélegry, Treasurer of Lichfield, and Papal Collector in England (*ib.* Nos. 1431, 1444; Denifle, *Les Univ. franç.* p. 89). Among the executors of the first Founder's will are the 'burgenses Londonenses.'

[10] Fournier, II. Nos. 1441, 1461.

[11] *Ib.* No. 1473.

§ 7. GRÉNOBLE (1339).

VALBONNAIS, *Hist. du Dauphiné* (T. II. Genève, 1721), prints some documents. Cf. NADAL, *Hist. de l'Un. de Valence*, p. 64 *sq.* Fournier adds a few documents. BERRIAT-SAINT-PRIX, *Hist. de l'ancienne Université de Grénoble* (*Revue du Dauphiné*, T. V. Grénoble, 1839).

Foundation, 1339.

The University of Grénoble was founded by a Bull of Benedict XII, granted at the request of Humbert II, Count of the Viennois, in 1339 for all Faculties except Theology[1]; a separate Bull granted later in the same year gave the right of promotion to the Bishop with the *jus ubique docendi*[2]. Grénoble was badly placed for the seat of a University, since Dauphiné lay in the debatable territory between the Empire and the French Monarchy. There is just enough evidence to show that the Studium actually came into existence[3]; but it was never prosperous, and had clearly disappeared before the foundation of Valence in 1452[4]. It was restored in 1543[5] by Francis of Bourbon, Count of S. Pol, on the petition of the Town Council. In 1565, however, it was suppressed and incorporated with the University of Valence by an edict of Charles IX[6].

[1] Fournier, II. No. 1546. The Founder's Privilege of the same year is printed in Valbonnais, II. p. 412; Fournier, II. No. 1548. It contains a curious provision that *Martineti* (metal forges) shall be removed three leagues from Grenoble, 'cum sint vorrago nemorum et lignorum.' This was, of course, for the benefit of poor students in winter evenings.

[2] Fournier, II. No. 1549.

[3] Berriat-Saint-Prix, pp. 92, 93.

[4] See below, p. 201.

[5] Valbonnais, II. p. 413.

[6] In 1343 the University presented a most singular 'roll' to Clement VI. It is presented exclusively for one Master of Arts, so poor that 'lapides et morterium, ob sue vite sustentationem, in nostro opere deportavit.' While endeavouring to present his supplication to his Holiness he had been atrociously wounded by the Pope's satellites, and his petition pitched into the Rhone. Wanted: a benefice 'cum cura vel sine cura' in the diocese of Elne (Fournier, II. No. 1553). In 1545 the Dauphin salaries a Bachelor of Laws (*ib.* No. 1554).

CH. VIII, § 8.

§ 8. ORANGE (1365).

Institutio, privilegia, statuta &c. Universitatis civitatis Arausionis, Arausione, 1718. MILLET, *Notice sur l'Université d'Orange*, Avignon, 1878.

Origin of Studium.

A Studium of Law and Grammar existed at Orange from the second half of the thirteenth century. In 1268 we find an agreement between the Bishop and the two Princes of Orange, uncle and nephew, who both bore the name of Raymond de Baux. In this document the Bishop waives the objections which he had apparently raised to the setting up of a Studium by the secular power. Further regulations for its government are to be made by the Archbishop of Arles[1].

Foundation, 1365.

In 1365 the School obtained a highly peculiar and exceptional Privilege from Pope Urban V[2]. This Bull recognized the Studium, and ordained that study at Orange should entitle students to take degrees in other Universities but not at Orange itself. The document is interesting as throwing light upon the true *differentia* of a Studium Generale, which has been sometimes mistakenly supposed to consist in the mere possession of Papal privileges. Orange became henceforth a privileged Studium Particulare: it was not a Studium Generale because it had no right of promotion or *jus ubique docendi*. But later in the very same year Orange found means of obtaining from another source full University privileges, which had been denied by the Pope. Orange belonged to the Kingdom of Arles and therefore to the Empire: and when in June, 1365, Charles IV came to Arles to be crowned, the Prince of Orange and the Syndic of the town obtained from him a Bull which recognizes the Studium as already existing, and confers upon it the privileges of a Studium Generale in all Faculties, though Theology is not specially named[3]. The Licence was to be conferred by the Provost of the Town

Jus ubique docendi, 1365.

[1] Fournier, II. No. 1541.
[2] *Ib.* No. 1542.
[3] *Institutio*, &c. p. 1; Fournier, II. No. 1543.

with the assistance (in the infancy of the Studium) of the Rector of the University. In the next year we hear of the University as having been totally extinguished by a Papal interdict but recently 'reformed by Papal favour [1]'—a statement not easy to interpret. The Bull of Charles IV was afterwards in 1379 confirmed by the Avignon Pope Clement VII [2]. CH. VIII, § 8.

After these two Bulls it is strange to find Sixtus IV in 1475 issuing a Bull against those who took degrees at 'Orange and other places where there was no Studium Generale.' Either the privileges conferred by the Bulls were considered to be dependent upon the *de facto* continuance of instruction of the Studium Generale type (which is in itself probable), or the Papal Chancery had received its information from a partial source. The Bull, it appears, was granted in favour of the rival University of Avignon [3]. An edict of Charles VIII in 1485 throws some light upon the state of things which had called for the Papal interposition. There was, it appears, a single Master, one Honorat Picquet, who really only taught Grammar, but called himself a Master of Arts. He was in the habit, it would appear, of constituting himself Rector of the University for the purpose of conferring degrees in all Faculties upon 'vagabond, ribald, unprofitable, and ignorant scholars' who had been refused degrees elsewhere [4]. At the request of the University of Montpellier the promotions at Orange were forbidden in future, but the University managed to escape absolute extinction. Its ignoble existence can just be traced into the eighteenth century. When the traveller Gölnitz visited Grénoble in the seventeenth century, there was a joke current in the place to the effect that the three persons who were necessary to constitute a College or Corporation were supplied at Orange by the Rector, the Secretary, and the Bedel [5]. Suppression, 1475. Obscure survival.

[1] Denifle, *Les Univ. franç.* p 94.
[2] Fournier, II. No. 1545.
[3] Laval, *Cartulaire de l'Univ. d'Avignon*, p. 118; Fournier, II. No. 1367.
[4] Fournier, II. No 1184.
[5] *Ulysses Belgico-Gallicus* (Lugd. Batav., 1655), p. 422.

CH. VIII, § 9.

§ 9. AIX (1409).

HENRICY, *Notice sur l'ancienne Université d'Aix.* Aix, 1826. CHAVERNAC, *Hist. de l'Université d'Aix*, Aix, 1889; a not uninteresting but very uncritical production. The Statutes (1420-1440) were first printed by BLACAS, *Almæ Aquarum Sextiarum Universitatis vetera et nova statuta, constitutiones et consuetudines*, Aquis-Sextiis, 1667. Cf. also PITTON, *Histoire de la Ville d'Aix*, Aix, 1666.

Possible connexion with the old Roman town-school.

Aix was the capital of Gallia Narbonensis secunda, the earliest home and the last refuge of Roman civilization in Gaul, styled by the elder Pliny 'another Rome in another Italy [1].' The old Roman Schools and the culture which they fostered lingered here as long as they lingered anywhere: and a somewhat degenerate Classicism certainly survived in Provence long after it was extinct in Italy itself. It is even barely possible that the Cathedral School of Aix, which attained some importance both before and after the eleventh-century revival of letters, may have originally had some connexion with the old Roman town-schools: such a conjecture might be supported by the very unusual circumstance that the Syndics of the town had a share in the appointment of the Scholasticus who presided over the Cathedral Schools [2]. The minute and circumstantial account given by Dr. Chavernac of the 'University' of Aix before the date of the Papal Bull is, however, so mixed up with historical delusions and so entirely unsupported by original authorities that it is almost impossible to extract from it any trustworthy facts as to the condition of the Schools here in the twelfth and thirteenth centuries. It appears to be made up by the aid of the convenient assumptions which we have seen to be responsible for so many pages of University history. The first of these is the assumption that every place where

[1] 'Ut Roma altera alterâ in Italiâ jure appellari mereretur.' *Hist. Nat.* LIV. 3. cap. 4.

[2] Chavernac, p. 32, calls him *Scholarius*, but if this form is found it must be only a parallel form of Scholasticus. Besides this official there was here a *Theologus* and a *Capiscol* or *Caput Chori* or *Scholæ* (Master of the School of Music); all these were provided with prebends.

Professors taught was a University; the second, that wherever a Doctor or Professor of Law is mentioned in a deed relating to a particular town, he must have graduated and taught in that town; the third that writers of the sixteenth and seventeenth century can be trusted when they apply the technicalities of the University system to the early state of Schools in which they are interested without producing contemporary evidence. It does seem, however, possible to disengage from this jumble of confused and uncritical erudition [1] the fact that at some time before 1303 the Jurist Jacques de Beauvoir, afterwards the Master of Bartolus, received at Aix the degree of Doctor in Civil Law from Peter of Ferrières, afterwards Archbishop of Arles [2], himself a distinguished Jurist.

A solitary case of Graduation, *c.* 1303.

So far it might seem that Aix has as good a right to be styled a Studium Generale as Orleans or Montpellier before the issue of the Papal Bulls conferring on them the *jus ubique docendi.* But the very words in which this solitary instance of graduation at Aix is recorded are sufficient to show the exceptional character of the occurrence. It was 'in the King's Court and in the King's presence' that Jacques de Beauvoir received the Doctorate. The King was probably Charles, King of Naples and Count of Provence. And one is tempted to conjecture that this graduation was an incident in the great struggle of the age between spiritual and temporal sovereignty—an attempt to place the secular power on a level with

But no Studium Generale.

[1] The writer still believes in the story of the discovery of the Pandects at Amalfi (p. 35). For his statement that a *Studium Generale* was established at Aix in 1196 by Alfonso I, Count of Provence, he gives no authority except De Haitze, *Hist. d'Aix*, T. I. p. 216 (which appears from Henricy to be in MS.), at the same time declaring that Paris was *called* a Studium Generale in the tenth and eleventh centuries!

[2] 'Ad preces reverendi patris et domini mei, D. Petri de Ferrariis, juris utriusque professoris . . . qui me doctoratus honore, in Aula Regis, civitatis Aquensis, ipsiusque præsentia, decorauit.' Jacobus de Bellovisu, *Aurea Practica Criminalis* (Coloniæ, 1580, pp. 1, 2). This must presumably have been before his elevation to the see of Noyon in 1302 (*Gall. Christ.*). He was Archbishop of Arles from 1303–1307. Pitton (p. 597) adds that Durandus (author of the *Rationale*, † 1296) took the degree of Doctor of Law at Aix, but without mentioning any authority.

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the Papacy in the conferment of exceptional degrees. If the reference be too vague to warrant such an inference, the evidence is certainly insufficient to enable us to pronounce that Aix was ever regarded as a Studium Generale before the date of its Papal Bull [1]. At all events, by the fifteenth century, the claims of the place to that dignity had ceased to be sufficiently recognized to satisfy students, and measures were taken by the Ediles for procuring a Papal Bull. On their petition, Louis II, King of Jerusalem and Sicily, Count of Provence, who was also the founder of the Parlement at Aix, took advantage of his journey to Italy in 1409, on the crusade against Ladislaus of Naples, to urge the claims of his capital upon Alexander V, the newly elected Pope of the Council of Pisa [2]. An adherent of such importance as the Count of Provence, and zealous enough to tender his homage to the Pontiff in person, was not likely to make so innocent a petition in vain. The Bull now issued recognizes the fact that 'certain Masters in Theology' were actually teaching in Aix. It does not, however, recognize the existing Studium as an actual Studium Generale, but proceeds to create one for all Faculties with the privileges of Paris and Toulouse.

Bull of Alexander V, 1409.

Constitution.

The Count's Letters Patent were issued in 1413, after his return to Provence. They compelled all Provençal students to study at Aix only [3]. No Chancellor had been named in the Papal Bull. The then Archbishop was now made first Chancellor of the University for life: but it was provided that upon his death the Chancellor should henceforth be freely elected by the Rector, Masters, and Licentiates [4]—a very exceptional arrangement to which there is

[1] Chavernac declares that the 'anterior existence' of these Faculties is implied by the words of the Bull, 'Adjicimus quod dictum generale studium, in eadem civitate, in sacra theologia, necnon in canonico et civili jure et in quibuscunque licitis facultatibus hujusmodi vigeat' (*ib.* pp. 84, 85; Fournier, No. 1577). Dr. Chavernac appears to have an inadequate appreciation of the subjunctive mood. The Bull recognizes the existence of 'nonnulli magistri in sacra pagina atque plerique doctores et scholares in jure canonico et civili,' but creates the Studium Generale for the first time.

[2] Chavernac, pp. 81–84.

[3] Fournier. III. No. 1578.

[4] *Ib.* III. Nos. 1581, 1582.

no exact parallel in any other French University. The nearest approach to it is at Montpellier. The constitution, however, differed from that of the Medical University of Montpellier in having a Rector (sometimes styled Primicerius, as at Avignon) as well as a Chancellor; while at Montpellier, moreover, the Chancellor did not confer degrees. The Rector was to be a 'simple student,' who nevertheless possessed an apparently unlimited civil and criminal jurisdiction in all cases wherein one party was a Doctor or scholar of the University, subject to the provision that the defendant dissatisfied with the Rector's decision might demand the 'adjunction' of a *Doctor legens*[1]. The Consiliarii, elected annually by their predecessors, were eleven in number[2]; one was to be a Canon of Aix, two Theologians but not Doctors, one a representative of the medical Faculty (likewise not a Doctor), one a Master of Arts, and the others elected by the three Nations, which were styled (as at Montpellier) Burgundian, Provençal, Catalan[3]. The constitution was entirely that of a Student-university; the 'College of Doctors' have here no great authority except in the conferment of degrees[4].

§ 10. DOLE (1422).

LABBEY DE BILLY, *Histoire de l'Université du Comté de Bourgogne*, Paris [no date]. BEAUNE ET D'ARBAUMONT, *Les Universités de Franche-Comté, Gray, Dole, Besançon*, Dijon, 1870.

Abortive attempts.

As early as the year 1287, when it was the exception rather than the rule for a small principality to have a Uni-

[1] The clause runs as follows: 'nisi supplicaretur a dicti domini rectoris sententia, aut peteret adjunctum, videlicet unum doctorem legentem, prout infra, opponendo contra dictam sententiam iniquitatem aut nullitatem.' Fournier, III. No. 1582.

[2] At the University Mass every Sunday blessed bread was distributed to all members of the University, the Councillors receiving extra portions, and the Rector twice as much as a Councillor.

[3] 'De regentibus scholas in civitate.' *Ib.*

[4] There seems to be a limited number of ordinary chairs, but leave to erect a new chair is vested with the Rector, not with the Doctors (*Ib.* § 52).

CH. VIII, § 10.

versity of its own, the idea of establishing a University of all Faculties in the County of Burgundy (Franche-Comté) was conceived by Count Otho IV. A charter erecting a Studium Generale at Gray was issued in that year[1]: and in 1291 a Bull was actually granted by Nicolas IV[2]; but we learn from the later foundation-bull of Dole that the University never actually came into being[3]. The wars in which the Count was engaged, the temporary annexation of Burgundy to the French Crown by the marriage of Otto's daughter Jeanne to the second son of Philip le Bel (afterwards Philip V of France), and the great fires which reduced the town of Gray to ashes three times in the course of the fourteenth century are quite sufficient to account for the non-realization of the project. When the academical aspirations of Franche-Comté were revived, the quieter Dole, the seat of the Count's Parlement, was preferred to the busy commercial town of Gray as the site of its University though the latter made strenuous efforts to obtain the coveted honour for itself[4].

Foundation in 1422.

A Bull for the erection of a University at Dole was granted by Martin V in 1422 on the petition of Philip the Good, Duke of Burgundy[5]. The Bull is expressed in a rather unusual form. It is addressed to the Archbishop of Besançon, and authorizes him, if the 'said place is more apt and fit than the place of Gray in the said diocese,' in which a University was formerly erected, to establish a Studium Generale at Dole, and to confer upon it the privileges of other Universities. The Studium is declared to be for all Faculties, but the right of promotion is limited by the exclusion of Theology. The Archbishop is

[1] Beaune et d'Arbaumont, pp. 1, 2; Fournier, II. Nos. 1567, 1568.

[2] Fournier, I. No. 1566.

[3] 'Locus de Grayaco dicte diocesis in quo olim felicis recordationis Nicolaus, papa quartus, predecessor noster, per suas litteras studium generale nondum tamen inibi inceptum vigere et esse concessit.' Bull for Dole ap. Beaune, pp. xiii, 3. The Bull is also printed by Denifle, *Archiv f. Kirchengesch.* IV. p. 248; and now by Fournier, III. No. 1611.

[4] Beaune, pp. xx, xxi, 14.

[5] Beaune, p. 3; Fournier, III. No. 1611. A Bull of the preceding month directing an inquisition into the expediency of such an erection is lost. (*Ib.* No. 1610).

made Chancellor. In 1423, Ducal Letters-patent decreed the establishment of a University, confirming the grant of 9,693 livres voted by the Estates of Burgundy for procuring the Bull, erecting buildings, and paying Professors. Exemptions from taxation and other privileges were conferred, the Duke's Bailiff at Dole created Conservator, and an endowment granted[1]. The right of graduation in Theology was bestowed by a Bull of Eugenius IV in 1437[2]. Ch. VIII, § 10.

Constitution. The constitution of the University was a modified democracy of a somewhat new type, followed by several of the later French Universities[3]. The Rector was to be a Licentiate, Master of Arts, or Bachelor of Law, and must not be a native of Dole. He was elected by the 'Proctors and Councillors[4]' chosen by the five Faculties, Canon and Civil Law ranking as separate Faculties and Theology being included in spite of the prohibition of graduation therein. The General Congregation included students of all grades, but the ordinary government was in the hands of a College composed of nobles ('living as such') above twenty years of age, all Licentiates, all *Baccalarii formati* in Theology, the Regents[5], the Proctors and Councillors of Faculties, and the *Procurator Generalis*. The Rector had a full jurisdiction in causes of scholars[6], but in criminal cases involving 'pena sanguinis' he was to try lay scholars in conjunction with the Ducal Bailiff: such offenders when clerks were, of course, sent to the Bishop.

The Distributors. A body of three external 'Distributors,' originally appointed by the Duke merely to superintend the administration of the public funds devoted to the support of the Studium, eventually acquired an increasingly extensive

[1] Beaune, pp. 7, 21; Fournier, III. Nos. 1614, 1615, 1617, 1622.

[2] Fournier, III. No. 1623.

[3] Cf. above, p. 174. The Statutes (1424) are printed by Fournier, III. No. 1616.

[4] How many of each does not appear: § 12 might suggest that each Nation had one 'Proctor or Councillor,' and § 58 confirms that interpretation. Yet in § 53 we have 'procuratores Facultatum, consiliarii earundem.'

[5] Fournier prints 'regentes. pensionati,' as if two classes. It should be of course 'Regentes pensionati,' *i.e.* salaried Regents.

[6] From the Rector an appeal lay to the College, and from the College to the University.

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control over its affairs [1]. The appointment of the Regents was transferred from the College to the Distributors. Their position, in fact, was exactly that of the 'Governors' or 'Curators' of the Italian Universities. The Cluniac College of S. Jerome was founded by Antoine de Roche, Grand Prior of Cluny, in 1494, and a Cistercian College in 1498 [2].

Colleges.

Rival University at Besançon.

In 1445 there broke out at Besançon one of those quarrels which were of such frequent occurrence in the Middle Ages between the great feudal prelates and their semi-autonomous see-towns. In the course of the quarrel the citizens burned the Archbishop's Château of Brégille. An interdict followed, and the City was obliged to send a deputation to Rome to get it taken off. In 1450 the Pope condemned the citizens to rebuild the palace and pay an indemnity; but, at the same time, by way of relief to the civic *amour propre*, the envoys succeeded in obtaining from the reigning Pontiff, Nicolas V, a Bull for the erection at Besançon of a Studium Generale in Arts only [3]. This unusual limitation was no doubt introduced out of consideration for the rights of the neighbouring University of Dole, which was for the most part a University of Theology and Law. The Archbishop was named Chancellor; the Abbot of S. Paul, the Chanter of the Cathedral, and the Dean of S. Mary Magdalene, Conservators. War, pestilence, civil commotion, and the unwillingness of the House of Burgundy to allow of even a restricted rivalry to Dole long prevented any real execution being given to the Bull. It was not till Besançon took the side of France in the last conflict between Louis XI and his great Burgundian feudatory that Besançon was rewarded and the Burgundian Dole punished by the transfer of the University in all its Faculties from the former to the latter town. The pillage

[1] Beaune, pp. lxi *sq.*, lxxiv; Labbey de Billy, I. p. 45. As usual in French Universities the chairs were filled 'au concours,' *i. e.* by public competition. Beaune, p. lxxix.

[2] *Ib.* p. xcviii; the Statutes of the former in Fournier, III. No. 1643.

[3] Beaune, pp. clxxx, 24; Fournier, III. No. 1626.

and burning of Dole by the French, in spite of a gallant resistance, in which the students of the University distinguished themselves, took place in 1479: the King's letters patent in favour of Besançon were issued in 1480/1[1]. A curious accident, however, prevented the people of Besançon from enjoying their triumph. The King's Physician Coitier, a native of Poligny, used his influence to persuade his dying patient to transfer the University of the conquered and ruined Dole to Poligny by Letters Patent of 1483[2]. The University not having been actually established either at Besançon or at Poligny, Dole was, however, able in the following year to procure the restoration of its privileges from Charles VIII, and Besançon did not obtain a full Foundation-charter till 1564[3].

Suppression of Dole, 1481.

Transference to Poligny, 1483.

Meanwhile, a Municipal College was erected at Besançon in 1511[4], which may possibly, on the strength of the old Bull of Nicolas V, have claimed the privileges of a Studium Generale in the Faculty of Arts. Even after the issue of the Bull, the restored University—though for a time a flourishing Protestant Law School—enjoyed but an intermittent existence; and it was not till 1691, after the final conquest of Franche-Comté by Louis XIV, that its triumph over its ancient rival was completed by the final transfer of the University of Dole to Besançon[5].

§ 11. POITIERS (1431).

De l'Université de la Ville de Poitiers . . . Extrait d'un ancien Manuscript latin, gardé en la bibliothèque de M. Jean Fileau. Poictiers, 1643. A copy of this rare book, or rather pamphlet, which contains the foundation-charters and the *procès-verbal* of the proceedings at the inauguration of the University, is in the University Library of S. Andrew's (now printed by Fournier, III. No 1721). There is a very short notice in DREUX DU RADIER, *Bibliothèque du Poitou*, Paris, 1754; T. I. p. 387 *sq*. The Article by DE LA LABOR-

[1] Beaune, p. xci, 28; Fournier, III. No. 1632.

[2] Beaune, p. 31; Fournier, III. Nos. 1634, 1955. At the same time Coitier was named Conservator of Privileges. *Ib.* No. 1657.

[3] Beaune, p. 33; Fournier, III. No. 1638.

[4] Beaune, p. clxxxix.

[5] *Ib.* pp. clxxxix–cxcii, 6*a*.

CH. VIII, § 11.

LIÈRE, ap. *Bulletins de la Soc. des Ant. de l'Ouest* (1844, p. 68 *sq.*) and his notices in *Vieux Souvenirs de Poitiers d'avant* 1789 (Poitiers, 1846), relate chiefly to a more modern period. The same may be said of the *Essai historique sur l'anc. Un. de P.* by PILOTELLE, *Bulletin, l.c.* T. XXVII. 1863, p. 251 *sq.*

Origin.

During the English occupation of Paris the great French University, of course, passed under English influence, and it became an object with the exiled King to weaken that influence, and to draw students away from what had become his enemy's capital. It was not, however, till 1431 that Charles VII obtained from Eugenius IV a Bull for the erection of a University in his temporary capital at Poitiers[1]; a Charter of Privilege was issued in the following year ($143\frac{1}{2}$), when the University was solemnly opened[2]. The Papal Bull conferred upon the University all the privileges of Toulouse, and declared that it was to be on the model of that Studium[3].

Constitution.

The actual constitutional arrangements of the University would, however, appear to have very imperfectly carried out this injunction, except in so far as they exhibit (like those of Toulouse) a compromise between the Parisian and the Bolognese pattern. There was a single Rector; and the University, or rather the two legal Faculties only, were divided into four Nations: (1) France, (2) Aquitaine, (3) Touraine, (4) Berry. Each Nation elected a Proctor[4]. All graduates—Masters, Licentiates, and Bachelors—were admitted to the General Congregation except Bachelors of Arts. But there is a special provision that the Faculty of Law was to be governed after the manner of Orleans, which would imply the possession of some rights by mere students in that Faculty. The Abbot of S. Maixent was to be made Apostolic Conservator, and the Seneschal Conservator of the Royal Privileges. The new University—doubtless through some private influences of which we know

[1] Printed in Bulæus, V. p. 842; Fournier, III. No. 1719.

[2] Bulæus, V. p. 844; Fournier, III. No. 1720.

[3] 'Ad instar ipsius studii Tholosani.'

[4] Fournier, III. No. 1721. Cf. No. 1748.

nothing—was totally disconnected with the Cathedral, the Chancellor being the Treasurer of the Collegiate Church of S. Hilary. CH. VIII, § 11.

In the year 1448 the Municipality began the construction of the 'Great Schools' of the University[1]. At about this time the City is found, in obedience to Royal orders, making certain grants in payment of salaries to the Regents[2], and the City magistrates frequently invoke the Royal authority for the correction of the numerous 'abuses' which at this time prevailed in the University, especially graduation without sufficient residence or qualification, and the absence or negligence of the Regents[3]. It is not till the close of the century (1488) that we meet with any actual Statutes of the University[4], and then the constitution appears somewhat different from that contemplated at its first foundation. It is now clear (whatever may have been the case earlier) that only noble students have a deliberative voice with the Doctors, Licentiates, and Bachelors in the Jurist Nations. The choice of a Rector rotated, in a manner not very clearly defined, between the four Nations and the other Faculties (represented by their Doctors[5]). In the Faculty of Law there were four Regents, who co-opted each other after a public disputation in which the candidates were required to dispute with all comers[6]. Subsequent history.

In 1463 a College of Puygareau, for a Prior and eight scholars in Theology and Arts, was founded by Françoise Gillier, Lady of Puygareau and widow of an Advocate-fiscal in the Parlement of Paris[7]. College of Puygareau.

[1] Fournier, III. No. 1730 *sq.*; also a Library in 1459 (No. 1744).

[2] Fournier, III. Nos. 1724, 1735, 1736, &c.

[3] Fournier, III. Nos. 1742, 1758, 1759.

[4] Fournier, III. No. 1765.

[5] The University is 'Directa et gubernata per duas Facultates et quatuor nationes, videlicet per Facultates artium et Theologie, cui Facultati adjungitur Facultas medicine.' Presumably each Nation and each Faculty had one turn in six.

[6] Fournier, III. Nos. 1723, 1767.

[7] Fournier, III. No. 1763.

CH. VIII, § 12.

§ 12. CAEN (1437).

There are slight notices in CH. DE BOURGUEVILLE (SIEUR DE BRAS), *Les Recherches et Antiquites de la province de Neustrie . . . mais plus spécialement de la Ville et Université de Caen*, Caen, 1588 (reprinted 1833); HUET, *Les Origines de la Ville de Caen*, Rouen, 1702 (2nd ed. 1706); and DE LA RUE, *Essais historiques sur la Ville de Caen*, Caen, 1820, and *Nouveaux Essais hist. sur la Ville de Caen*, Caen, 1842. A full account of the Law Faculty is given by CAUVET, *Le Collége des Droits de l'ancienne Université de Caen*, Caen, 1858, and *L'ancienne Université de Caen*, Caen, 1874 (*Mémoires de l'Acad. des Arts et Belles-lettres de Caen*). The work of LE COMTE AMÉDÉE DE BOURMONT, *La Fondation de l'Université de Caen* (ap. *Bulletin de la Soc. des Antiquaires de Normandie*, T. XII., Caen, 1884) is a very careful history with full collection of documents (also *La Bibliothèque de l'Université de Caen au XVe siècle*, 1881). Other documents were published by CHARMA in *Mém. de la Soc. des Ant. de N.* 1876 (sér. 3. T. II.). There is also a *Liste des Recteurs de l'ancienne Université de Caen* by CHATEL (*Bull. de la Soc. des Ant. de Norm.* 1881–2, T. XI.).

Law University, 1432.

Like Poitiers, the University of Caen owes its existence to the French wars of the English King Henry VI. A University of Canon and Civil Law was erected here in 143½ by the Regent, the Duke of Bedford, under Letters-patent of Henry VI[1]. The consent of Martin V had already been obtained, but no Bull granted. As Paris was in the hands of the English, and the new University was to be purely legal, it is evident that it was intended as a rival rather to such places as Orleans and Angers than to Paris. Nevertheless the scheme met with a violent opposition from that University. Its Masters vainly petitioned the Parlement of Paris, the Council of Bâle, and afterwards Eugenius IV, against this addition to the number of its competitors[2]. After the expulsion of the English from Paris in 1436, the scope of the University was extended to the other Faculties[3], and in 1437 a Bull of erection was granted by Eugenius IV[4]. The diocesan, the Bishop of Bayeux, was appointed Chancellor, and shortly afterwards the

Bull of Eugenius IV for all Faculties, 1437.

[1] De Bourmont, p. 477; Fournier, III. No. 1644.

[2] De Bourmont, p. 328 *sq.*; Fournier, III. Nos. 1645, 1646, 1650.

[3] Theology and Arts in 1437, Medicine in 1438: de Bourmont, pp. 480, 482; Fournier, III. Nos. 1647, 1650.

[4] De Bourmont, p. 564; Fournier, III. No. 1644.

Bishops of Lisieux and Coutances Conservators[1]. The solemn inauguration of the University took place in 1439: the first Rector being an Englishman, Michael of Tregury, B.D., of Exeter College, Oxford, Archdeacon of Barnstaple, and afterwards Archbishop of Dublin[2]. Ch. VIII, § 12.

The measure was as usual popular in the neighbourhood: the Bull had been granted on the petition of the Estates of Normandy, and the University was therefore not interfered with, in spite of the renewed efforts of Paris[3], on the re-annexation of the Duchy to the French Crown. Upon the petition of the Estates it received a temporary continuation in 1450 and in 1452 a new Charter from Charles VII[4]. Confirmation by Charles VII, 1450 and 1452.

The University, in the form which it assumed after the loss of Paris, was deliberately intended to divert the Norman subjects of the English king from attending the University of the capital. It was completely modelled on that University, with a few slight constitutional modifications necessitated by the smaller numbers and different circumstances of Caen. Students and Bachelors have no more power than at Paris; but the Licentiates of the four superior Faculties (the Civil and Canon Laws being reckoned as distinct) are admitted to vote in Congregation[5], and the voting is by Faculties. The Rector is elected by Intrants from the five Faculties[6]; he may himself be Constitution.

[1] De Bourmont, p. 568; Fournier, III. Nos. 1648, 1651.

[2] De Bourmont, pp. 337 *sq.*, 373; Fournier, III. No. 1653. Tregury is said to have written a tract 'de origine illius studii,' Cf. Boase, *Reg. of Ex. Coll.*, ed. 2, I. p. 22, which, however, is not known to survive.

[3] Bulæus, V. pp. 426, 536, 554; Fournier, III. No. 1666.

[4] De Bourmont, pp. 557, 560; Fournier, III. Nos. 1674, 1678. The Faculty of Law was suppressed by the first edict but revived by the second.

[5] The University Statutes of 1439 are printed in de Bourmont, p. 484 *sq.*; Fournier, III. No. 1652. It is observable that in this University the privileges of graduates were not limited to a small co-opting College of Regents. In 1480, however, the interference in academical affairs of non-academical graduates became so serious that the Faculty of Arts found it necessary to deny a vote to non-teaching Masters residing in the neighbourhood, on the ground that the privileges of the University were limited to those residing 'studii causa' (Fournier, III. No. 1689).

[6] An arrangement already adopted at Dole, though there Doctors were ineligible. See above, p. 189.

CH. VIII, § 12.

a Master of any Faculty, but, if a Master of Arts, must be also a Bachelor in one of the superior Faculties. The change necessitated a Dean of Arts[1]. There are no Nations or Proctors. None but purely academical jurisdiction is conferred upon the Rector: and the Statutes, which are enacted by authority of the English King, betray an anxious desire to confine the privileges of the University to *bona fide* students, and to restrict even in their case the jurisdiction of the Royal Conservator—the Bailiff of Caen —to purely 'personal causes and injuries[2].' In the strictness of these Statutes of 1439 in reference to 'night-walking[3]' and other conduct of the students, it may, perhaps, not be fanciful to trace the effects upon University discipline of an army of occupation, whose purposes the University itself was intended to serve[4].

The College of Law.

A small constitutional peculiarity of the University remains to be noticed. Civil and Canon Law formed, as we have seen, distinct Faculties: but the two Faculties were from 1443 housed in an ancient Court-house known as *La Cohue*. The two Faculties thus united formed a College under a Prior, the two Deans remaining at the head of their respective Faculties in their separate deliberations and their relations to the University as a whole[5]. Schools for the remaining Faculties were given by Mary, Duchess of Orleans, in 1476[6]. In 1452 one of the smallest Colleges on record was endowed (for Artists) by one Le Cloutier, a neighbouring *seigneur*, consisting only of a Principal and two Bursars[7]. By the beginning of the sixteenth century

Colleges.

[1] The Jurist College and the Theological Faculty had Priors as well as Deans.

[2] The jurisdiction was slightly extended in 1445: de Bourmont, p. 540 *sq.*; Fournier, III. No. 1664.

[3] Scholars captured by the watch after eight or (in summer) nine p.m. are to be imprisoned for the night and surrendered on the requisition of 'suos judices,' who are not to fine them, but 'imponetur eisdem salutaris pena.'

[4] In 1444 the privileges of all other Universities were declared by Henry VI to be forfeited for disobedience. De Bourmont, p. 534; Fournier, III. No. 1662a.

[5] De Bourmont, pp. 354 *sq.*, 432 *sq.*, 522; Fournier, III. Nos. 1659, 1710. The membership of the College was eventually limited to seven Regents.

[6] Fournier, III. No. 1688.

[7] Fournier, III. No. 1676. One of the two might be a religious named by the Abbey of Barbery.

there were several small endowed Colleges (mostly if not all for Artists) in the town, besides the unendowed Pedagogy or 'College of Arts' under the control of the Faculty[1]. Of these the most important was the Collége du Boys, founded—it is thought as an expiatory offering—by the infamous Pierre Cauchon, Bishop of Lisieux and burner-in-chief of Joan of Arc, who died in 1442, though it appears doubtful whether the College was actually established before 1491[2]. The Congregations and Courts of the University were held in the Franciscan convent, which was eventually, in 1493, made over by the Order to the University in a very peculiar and unprecedented manner, the Order being henceforth placed 'under the protection and guardianship' of the University[3]. Ch. VIII, § 12.

In strict accordance with the whole aim of the foundation, and the better to attach its members to the English connexion, the University was endowed out of the revenues of Parisian Colleges and of various ecclesiastics, sequestrated for non-submission to the English rule. It is remarkable that the chairs endowed included Rhetoric and Poetry as well as Theology, Canon Law, and Medicine. When, in accordance with the treaty of 1448, these revenues had to be restored to their rightful owners, a sum of 450 *livres tournois* was divided among six Masters, the payment being charged upon a wine and beer tax[4]. Loyalty was also encouraged by the reservation in 1445 of half the English King's benefices in France for graduates of Caen[5]. After the expulsion of the English the University appears, although apparently without any other endowment than Revenues.

[1] 'Et alia collegia in eadem Facultate artium nunc fundata, preter collegium Montis, collegium de Boult, collegium Cingal, et cetera.' Fournier, III. No. 1718 (§ 38). Cf. de Bourmont, pp. 456, 458–476.

[2] Fournier, III. Nos. 1701, 1705–8, 1713. According to de Bourmont, p. 467, the name is derived from Nicolas du Boys, Dean of Rouen, who was not a relative or executor of the Founder.

[3] Fournier, III. Nos. 1699, 1704. Such a step can only have been taken under pressure of grievous financial embarrassment.

[4] De Bourmont, p. 551 *sq.*; Fournier, III. No. 1672.

[5] De Bourmont, p. 551 *sq.*; Fournier, III No. 1663.

CH. VIII, § 13.

its buildings and its Artist Colleges, to have enjoyed considerable prosperity as a local Studium [1].

§ 13. BORDEAUX (1441).

The *Statuta Universitatis Burdigaliæ* were printed in 1694. Of this volume only one copy is known to exist. They have been reprinted (the original MS. being lost) with a preface and other documents by BARCKHAUSEN, in *Statuts et Règlements de l'ancienne Université de Bordeaux*, Libourne et Bordeaux, 1886 (which contains the documents now printed by Fournier). GAULLIEUR, *Histoire du Collége de Guyenne*, Paris, 1874.

Origin.

Like Caen, the University of Bordeaux arose during the English domination in France. It was founded in 1441 by a Bull of Eugenius IV upon the petition of the Archbishop's Officials, of the Seneschal and Aquitanian Councillors of the English King Henry VI, and of the Mayor and Jurats of the City [2], but (strange to say) did not receive a direct Royal confirmation [3]. Its foundation was mainly the work of the Municipality, though it was a project of which the English authorities had every reason to approve. Situated at the mouth of the river by which the students of Bordeaux might have ascended to Toulouse, the new University was naturally modelled on that Studium [4]. It was governed mainly by the Masters, the student-rights being only recognized in the enactment that two of the Rector's four Councillors should be Bachelors [5]. The then Archbishop of Bordeaux was named Chancellor for his life-time. After his death the Chancellorship was to pass to the first Archdeacon in the Church of Bordeaux, the Archdeacon of Médoc. The Bishop of Bazas, the

On the model of Toulouse.

[1] The numbers at the beginning of the sixteenth century may be estimated from the MS. *Matrologium*, f. 369 (in the Archives of the Department), where there is a list of sixteen Doctors and seventy-six other resident graduates of the superior Faculties and twenty-two Regents in Arts.

[2] *Statuts*, p. 3 *sq.*; Fournier, III. Nos. 1768, 1769.

[3] Till the reign of Louis XI: *Statuts*, p. 19; Fournier, III. No. 1772a.

[4] The Bull declared that it was to be 'ad instar Studii Tolosani.'

[5] *Statuts*, p. 9; Fournier, III. No. 1771. By the Statutes of 1482a there were to be two Proctors, one a Bachelor of Law, the other of Arts and two Councillors. *Statuts*, p. 30; Fournier, III. No. 1774. The Councillors might be Licentiates or Bachelors.

Abbot of La Sauve, and the Archdeacon of Cernès were to be Apostolical Conservators: the conservation of the Royal Privileges was entrusted to the Seneschal of Guienne[1]. The University nominally embraced all Faculties, but no regular teachers were appointed in Medicine[2], and the Faculty of Arts represented little more than the incorporation of the existing College of Arts or town-school, afterwards known as the College of Guienne[3]. By the original Statutes there were to be one Regent Master in Theology (in addition to the Theological teachers of the Mendicant Convents), two in Canon Law, two in Civil Law, one in Arts, and one in Grammar[4]. None of the chairs were endowed, though the right of teaching was limited to their occupants; the Professors were left to be supported by a fee of half a golden noble from each scholar[5]. Under these circumstances it is not surprising to find Statutes very particular in their injunctions to Examiners to treat the candidates 'with all tenderness and charity, preferring pity and lenity to the rigour of the Law,' so as 'to increase the University rather than diminish it'; while the prelates, nobles, and sons of Doctors and Masters are unblushingly excused 'the private Examination[6].' The reader will by this time be sufficiently familiar with the fate of small unendowed Universities to anticipate that the career of the University of Bordeaux was far from a brilliant one. During the sixteenth and seventeenth centuries we find that extreme difficulty was experienced in

[1] The Mayor and Sub-Mayor of Bordeaux were in 1487 joined with him in the Conservation. *Statuts*, p. 47; Fournier, III. No. 1777.

[2] A Regent in Medicine occurs in 1491. Fournier, III. No. 1780; *Statuts*, pp. xxiv, 440.

[3] The 'Magnæ Scholæ Civitatis;' *Statuts*, p. xix. No books are prescribed for the Faculty of Arts except 'Doctrinale et Græcismum.' Later we find a regular Arts Faculty; *ib.* pp. 25, 35.

[4] *Statuts*, p. 12; Fournier, III. No. 1771. After the French reconquest the University received a confirmation of its privileges from Louis XI (147½), and the number of Regents was slightly increased; *Statuts*, pp. 19, 31; Fournier, III. No. 1773 *sq.* The Chairs were filled by co-optation.

[5] Together with 'pro scamno seu banquo suo . . . duodecim albos sive arditos monetæ usualis Burdigaliæ,' and twenty for the Bedel. *Statuts*, p. 13; Fournier, III. No. 1771.

[6] *Statuts*, p. 16; Fournier, *l. c.*

CH. VIII, § 14.

getting the University Professors (who were here, it must be remembered, the only teachers) to deliver any lectures at all, and at times we find the University reduced to little more than an establishment for the sale of 'bogus' absentee degrees [1].

§ 14. VALENCE (1459).

NADAL, *Hist. de l'Université de Valence*, Valence, 1861; a full history with a few documents. Fournier speaks of a very rare edition of the Statutes, *Institutio, privilegia et statuta Universitatis Valentinæ*, Turnone, 1601.

Origin.

The University of Valence owes its existence substantially to the efforts of its Consuls, and formally to the Dauphin Louis (afterwards Louis XI), who frequently resided in the place and bore (like his predecessors) the title of Count of Valence. His Charter of foundation was issued in the year 1452 [2]. It is worded so as to be rather an announcement of the Dauphin's intention to found a University than an actual foundation [3], though he goes on to actually found it in so far as lay in him—the rights of the Pope being thus respected. The University, however, came into being forthwith, though no Papal Bull was issued till the year 1459, and the Rector of the University was the envoy despatched to Rome to procure its *ex post facto* erection. The language of the Bull granted by Pius II is remarkable. It both recognizes the University as already existing and also 'for greater caution' founds it anew [4]. It was clearly

[1] *Statuts*, pp. xxxviii *sq.*, 55, &c.

[2] Nadal, pp. 13, 361; Fournier, III. Nos. 1784-1789.

[3] 'Universitatem studentium in facultatibus sacre Theologie, Jurium canonici, civilis, medicine et artium, in eadem nostra civitate perpetuo residendam, creavimus et instituimus, creamusque et instituimus, *quantum in nobis est*, ut eadem universitas, cancellarius, primicerius seu rector dictorum scholarium ejusdem, et quicunque alii illic aggregati secura studio intendant libertate.'

[4] 'Pro potiori cautela et præsentium firmitate . . . studium hujusmodi de novo facimus, creamus et instituimus, . . . concedentes ut in eadem civitate sit studium generale.' Fournier, III. No. 1796; Nadal, p. 368. The Bull is also remarkable as recognizing the *jus ubique docendi* 'in singulis aliis studiis generalibus et *quibuscunque aliis locis* in quibus voluerint.' It is observable that it was thought necessary—not till 1459—to ask the Bishop 'quod permittat legere et exercere studium' (Fournier, III. No. 1802).

intended to take the place of Grénoble as the University of the Dauphiné, the existence of any other University within its limits being ignored, or rather denied, by the Dauphin's Charter[1]. The Bishop was appointed Chancellor; the Archbishop of Lyons, the Bishop of Grénoble and a neighbouring Abbot Conservators Apostolic; and the Seneschal of Valence Conservator of the Dauphin's privileges. The Rector is spoken of (after the Chancellor) as the 'Rector or Primicerius'—a title which we have previously met with in the neighbouring Universities, Avignon and Aix. CH. VIII, § 15.

The University enjoyed the privileges of Orleans, Toulouse, and Montpellier. The earliest Statutes are not extant, but a Code belonging to the last years of the fifteenth or beginning of the sixteenth century makes it plain that it was a University of students under a student Rector and Council of twelve students[2]. Though it nominally embraced all the Faculties, the University was mainly a Law School. The expenses of its foundation and the *honoraria* of the Professors were paid by the Consuls and Council of the City[3], to whose liberal patronage was due the considerable fame which the University attained in the sixteenth century, when Cujas the illustrious Reformer of Roman Law studies was only one, though the greatest, of a succession of eminent Professors of Civil Law[4]. Constitution and history.

§ 15. NANTES (1460).

TEULÉ, *L'ancienne Université Nantaise*, ap. *Revue de Bretagne et la Vendée*, Sér. iii. T. I., Nantes, 1867, p. 337 *sq.* LÉON MAÎTRE, *L'Université de Nantes*; *ib.* Sér. iv. T. IX. p. 413 *sq.* (1876); T. X. p. 24 *sq.*; Sér. v. T. I. (1877), p. 113 *sq.*; T. III. (1878), pp. 66 *sq.*, 173 *sq.* A few very slight notices occur in TRAVERS, *Hist. de Nantes*, T. II. 1837, p. 5 *sq.* The *Leges et Statuta inclyte Universitatis Nannetensis* were published at Nantes in 1651, and there are several editions of the Foundation, Privileges, &c.

[1] 'Cum rari sint principes in quorum territoriis universitas non sit fundata, in nostris vero nulla.'

[2] Fournier, III. No. 1842. It is observable that the *Collegium Doctorum* seems to have been open to all Doctors who cared to lecture: was this the cause of the University's vigorous condition early in the sixteenth century?

[3] Fournier, *passim.*

[4] Nadal, p. 47 *sq.*

CH. VIII, § 15.

Origin.

In 1414 a Bull was issued by John XXIII sanctioning a scheme of John, Duke of Brittany, for the erection of a University at Nantes by the levy of a third upon all ecclesiastical revenues within the Duchy [1]. But nothing came of this enactment, and no actual Bull of foundation appears to have been granted till the time of Martin V, whose Bull was confirmed by another Bull of Nicolas V in 1449 [2]. All three Bulls, however, remained without effect, and it was not until 1461 that a University in all Faculties was actually opened under a new Bull of Pius II granted in the preceding year [3]. Another Bull enabled the then Duke, Francis II, to endow the University with a sum of 4,000 *saluts d'or* owing by him to the Dean and Chapter of S. Brieuc as an atonement for simony [4]. An annual grant of 200 livres was also made from the revenues of the Duchy [5].

Constitution.

The Bull of foundation entrusted the power of making Statutes to the Bishop as Chancellor, the Rector and resident Doctors, 'together with a competent number of Licentiates and students' and two Councillors of the Duchy. But, after the establishment of the University and the promulgation of the first Statutes, we hear no more of such a Board. The Constitution and Statutes of 1462 [6] are inspired by, but not copied from, those of its two nearest neighbours, Caen and Angers. They exhibit a kind of compromise between the mainly Parisian system of the former and the very modified student-democracy of Angers. Simple students have no share in the government of the University, unless they are 'dignitaries or Canons of important Churches [7]'; but Licentiates and Bachelors of the superior Faculties (together with the 'dignitaries and

[1] Fournier, III. No. 1588. According to Travers (II. p. 5) the failures were due to the refusal of the earlier Popes to allow a Faculty of Theology, but this is improbable.

[2] Fournier, III. Nos. 1589, 1590.

[3] Fournier, III. Nos. 1591, 1594.

[4] Maître, *Revue*, 1876, p. 418; Fournier, III. No. 1593 (where the amount is wrongly stated in the heading as 5000 *saluts*).

[5] Maître, *l. c.* p. 421; Fournier, III. No. 1599.

[6] Fournier, III. No. 1595.

[7] 'Nisi fuerit in dignitate constitutus, aut ecclesie cathedralis seu collegiate insignis canonicus.'

Canons') have seats in Congregation as well as the Doctors or Masters of all Faculties. As at Caen, the Rector is elected by five Intrants representing the five Faculties, and is selected from each Faculty in turn. Unlike Caen, the five Faculties of Nantes elect five Proctors as well. In the Faculty of Arts, indeed, the Proctorship is held by the same person as the Deanship: but in the other Faculties the Dean is distinct from, and superior to, the Proctor, who was usually a Licentiate or Bachelor. The Rector must be a Licentiate or Bachelor of a superior Faculty, or a Master of Arts. As at Orleans, the ordinary administration of University affairs is in the hands of a 'College' composed of the Rector, the Doctors, the Regent Masters of Arts, and the Proctors. The composition of the College seems to be suggested by the similar arrangement at Angers, though the Proctors at Nantes are representatives of Faculties, not of Nations. Voting in both College and University is by Faculties. At Paris College teaching had by this time become so essential a part of the University system in the Faculty of Arts that two Pedagogies (with not less than three Regents in each) were established at Nantes by the Statutes from the first, and its students subjected to the school-boy discipline now established in the Parisian Colleges and Pedagogies[1]. CH. VIII, § 15.

Under the liberal patronage of its Founder the University enjoyed a short prosperity, but declined after his death, and almost totally collapsed during the last unsuccessful struggle for Breton independence. In 1494 it was revived, chiefly as a School of Law, by the joint action of Charles VIII of France and the City[2]. The Faculty of Law was transferred to Rennes in 1735. History.

[1] By the Papal Bull of 1460 the 4000 *saluts d'or* owed by the Duke to the Chapter of S. Brieuc was to be spent in the foundation of a College. As to whether it was actually spent upon the Pedagogies there appears to be no information. Mention is made of a Collége de Launay and a Collége de Mellerai (Travers, *Hist. de Nantes*, II. p. 258). Maître makes the former an addition to the already existing 'College of S. John' connected with the Cathedral School (*Revue*, IX. p. 422). Cf. Teulé, *Revue*, 1867, p. 343.

[2] Maître, *l. c.* p. 424; Sér. v. T. III. p. 180; Fournier, III. Nos. 1602–1608. We hear, prior to the revival,

CH. VIII, § 16.

§ 16. BOURGES (1464).

There are very scanty notices in CHENU, *Recueil des Antiquitez et Privilèges de la Ville de Bourges*, Paris, 1621, and DE LA THAUMASSIÈRE, *Histoire du Berry*, Bourges, 1689. Most of the documents printed by FOURNIER in his *Statuts* appear also in *Mémoires de la Soc. historique du Cher*, Sér. 4, vol. IX., Bourges, 1893, with a short introduction by the same editor. See also Articles by MARTONNÉ in *Revue de Berry*, 1865, and by DUCHASSEINT, *ib.*, 1866. Fournier refers to GRANDMAISON, *De la splendeur de l'Université de Bourges et de son rétablissement*, Bourges, 1829, and to various works by CATHERINOT (seventeenth century).

Origin.

The University of Bourges was founded for all Faculties by Bull of Paul II, granted on the petition of Louis XI, of France (a native of Bourges) and his brother Charles, Duke of Berry, in 1464[1]. A long but eventually unsuccessful effort was made by the Universities of Paris, Orleans, and Angers to procure the recall of the Bourges privileges[2]. The University was designed for all Faculties[3], and was actually opened in 146$\frac{6}{7}$[4]. In 1470 the King by a twice-

of the 'penuriam doctorum atque peritorum legentium ... et quod propterea nulli aut saltem pauci et rari scolares ad civitatem et urbem Nannetensem accedebant seu ibidem remanebant' (Fournier, III. No. 1608). Charles VIII provided for four Professors with 100 *livres* each. No. 1607 *sq.*

[1] Fournier, III. Nos. 1850, 1851. It confers also a general dispensation from residence, the *privilegium fori*, leave for all secular clergy to study the Civil Law, and (a very exceptional feature) a prohibition to practise Medicine in the City without leave of the Faculty.

[2] Bulæus, V. pp. 678, 689–691, 715. The proceedings before the Parlement of Paris are printed in Fournier, III. Nos. 1858, 1860, 1861. After reciting the original transference of the University from Athens to Paris *via* Rome, and the Carolingian privileges, the plea of the University of Paris goes on to notice the evils arising from a multiplication of Universities. It declares that originally there were only four Universities, 'la première à Paris, la seconde en Italie, la tierce en Angleterre, et la quarte en Espagne.' It also alleges that Bourges gave degrees to those 'refusez in graduatione propter insufficientiam.'

[3] I have not elsewhere noticed the following curious custom: 'At Bourges in France,' says Luther, 'at the public creation of Doctors in Theology, which takes place in the Metropolitan Church there, each Doctor has a net given him, as a sign, seemingly, that their business is to catch men.' Michelet's *Life of Luther*, E.T. (the Universal Library), p. 64. There is no trace of this in any medieval Statute.

[4] Fournier, III. No. 1853.

repeated order compelled the Parlement of Paris to register his letters of erection [1]. CH. VIII, § 16.

Constitution and history.

The Chancellor of the Metropolitan Church became Chancellor of the University, and the Bailiff of Bourges was the Royal Conservator. Some provision was made for the support of the University partly by the civic authorities and partly by a tax on ecclesiastical property [2]: but it is not clear how far these arrangements were really carried out. The Statutes assign to the Doctors of Law a *collecta* of twenty-seven and a half *solidi turonenses* from each student [3]. Little information is forthcoming as to the character of the University constitution, but, as the Rector was often a student [4], and the University was mainly a University of Law, we may presume that it was more or less a student-University of the modified French type. There were originally four Nations, afterwards five, viz. France, Berry, Touraine, Aquitaine, and Germany, and the Nations were, it appears, (as at Poitiers) divisions of the Jurist Faculty only [5]. Charles VIII in 1498 had to issue an edict against gross neglect of duty on the part of certain Regents of Law who were also Canons of the Cathedral, Officials of the Archbishop, and considerable landed proprietors [6]: but in the sixteenth century the University rose to great importance as a School of Law, when great Jurists like Alciatus, Refussus, and Cujas were among its teachers.

BESANÇON (1485).

A Bull for a Studium Generale in Arts only was issued by Nicolas V in 1450, but apparently remained unexecuted. For the further history of the successive attempts to found a University in this place, the reader may be referred to the section on Dole (p. 190). There *may* have been some kind of School or College in Arts, technically entitled to University privileges, from the year 1483: but it is extremely doubtful whether there was a University here in anything but the name till a University in all Faculties was formally established in 1564.

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[1] Fournier, III. Nos. 1859, 1860.
[2] Fournier, III. No. 1854.
[3] *Ib.* No. 1862.
[4] *Ib.* No. 1866.
[5] *Mém. de la Soc. Hist. du Cher*, p. 9, referring to Raynal, *Hist. du Berry*, III. 364.
[6] Fournier, III. No. 1865.

CH. VIII, § 16.

Summary.

AFTER the somewhat bewildering mass of constitutional details with which we have been engaged, it may be well to sum up in a few sentences the leading characteristics of the French Universities other than Paris :—

Origin.

(1) In their origin the older of them—such as Orleans and Angers—were spontaneous developments of ancient Cathedral Schools, or at least of episcopally governed Schools (such as Montpellier), which eventually obtained Papal Bulls. The later were erected by Papal Bull as elsewhere. In the older Studia the organization is in part of independent origin—especially the system of Nations, which does not seem to be copied from either Paris or Bologna.

Modified Student-rights.

(2) At the beginning of our period the internal government of the Universities is originally in the hands of the Masters or Doctors, though there is sometimes a more or or less nominal recognition of the students as members of the University corporation. In the old Universities of Orleans, Angers, and perhaps Montpellier, there was probably from an early period an organization of the students into Nations side by side with the University proper. And through these Nations the students, in the course of the fourteenth century, gradually acquired a much larger share in University government, including especially the election of the Rector. The ultimate result of this change is a constitution in which the Doctors and students together are recognized as the ultimate governing body of the University, but in which its actual government and administration were practically left in the hands of a College composed of a Rector, the whole or a portion of the Doctors, and the representatives of the student Nations whether styled Proctors or Councillors, most or all of whom are in practice Licentiates or Bachelors. At Toulouse a somewhat scantier admission of students to the Council or College dates from the original constitution of the University. The typically French University system thus represents a fusion between the magisterial or Parisian and the Bolognese or student constitution. Caen and Poitiers must be regarded in some measure as exceptions to this generalization, being

framed on the model of Paris, but even they are not unaffected by the prevailing type. At Avignon the efforts of the students in the fourteenth century to acquire an elective and legislative Rectorship were baffled, and the power remained in the hands of the Masters. The medical University of Montpellier also retained to the last the ancient system of government by the College of Doctors: but in both cases there is a student organization outside the University proper, which eventually enables the students' representatives to conduct corporate negotiations with the Doctors, though not to obtain admission to their College. CH. VIII. § 16.

(3) In almost every case the Bishop has a much more important and powerful position in the University than he enjoyed either at Bologna or at Paris. The spontaneously developed Studia were originally entirely under the control of the Bishop and an episcopal Chancellor or Scholasticus. In many cases Statutes are issued by his authority. Later, his prerogatives were gradually diminished by the powers acquired by the Doctors or the Universities under Royal or Papal privilege. But to the last the Bishop retained considerable authority in nearly all the French Universities. The Municipalities, on the other hand, though in the South of France often interesting themselves in the foundation or development of the Universities, possessed much less control over them than in Italy. Towards the close of our period, however, the system of *Salaria* brought with it increased subordination to the secular power, whether King, Prince, or Town Council. Authority of Bishop.

(4) The rights of Regency were—in some cases from the beginning, in almost all sooner or later—limited to a small body of teachers whether supported by salaria or only by fees. A permanent Professoriate was thus formed, very like that established in the German Universities by the totally different system of endowed *Collegiaturæ*. The French and German Professoriate differs from the Italian in being for the most part co-opted, instead of being periodically elected either by the Students or the City government. Moreover in France the privilege of the Limited College of Doctors.

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co-opting College was usually limited to the monopoly of 'ordinary' lectures and the resulting fees. Salaries only become common towards the close of our period[1].

Prominence of Law.

(5) Law-studies were the most prominent in all these Universities, except at Montpellier, whose fame was originally based on Medicine. This was especially the case with the older Schools of Angers and Orleans, which long remained without any other Faculty.

Importance of Colleges.

(6) Endowed Colleges for poor students played a much more important part in these Universities than in Italy. Many of the smaller Studia were kept alive during the less prosperous periods of their history mainly by the Colleges. Their constitution in Southern France usually approximates to the Italian type: at all events the Headship is usually held for short periods, though at Toulouse the Head was usually a Chaplain. College teaching never became important except in Colleges for Monks or Friars, and perhaps at Caen where there was an important Arts Faculty modelled on Paris.

Position of Arts.

(7) One consequence of the prominence of Law in the French provincial Universities was the unimportance of the Faculty of Arts. Towards the close of our period we see, however, a tendency on the part of towns to erect 'Colleges' which were really Schools for boys, in connexion with a newly-erected University, or to bring old Grammar-schools into connexion with the newly-created Faculty of Arts. This is not the place to attempt to trace the effects of such arrangements upon the French educational tradition down to the present day, but it would probably be found that the system by which the Bachelor's degree *precedes* the beginning of the strictly University course while 'Rhetoric and Philosophy' are taught in the highest form of the Lycée are to some extent an inheritance from the scholastic organization of the Middle Ages.

[1] Even before the end of the fifteenth century we find the Law Professors claiming the privileges of nobility, a claim which was eventually recognized in all French Universities; Pilotelle, ap. *Mém. de la Soc. des Ant. de l'Ouest*, T. XXVII. (1863) p. 367 *sq.*

CHAPTER IX.

THE UNIVERSITIES OF GERMANY, BOHEMIA, AND THE LOW COUNTRIES.

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RAUMER, *Die deutschen Universitäten* (Aufl. 3, Stuttgart, 1861: Theil 4 of *Geschichte der Pädagogik*; Eng. Trans. New York, 1859), deals but very slightly with the medieval period. MAURER has a short chapter on the Universities in his *Geschichte der Städteverfassung in Deutschland* (T. II., Erlangen, 1870, pp. 282–321). MEINERS, *Über die Verfassung und Verwaltung deutscher Universitäten* (Göttingen, 1801), is an account of the then constitution of the Universities rather than a history. No systematic history of the German Universities seems to have been undertaken before KAUFMANN, whose first volume of *Vorgeschichte* (Stuttgart, 1888), though to my mind he is usually mistaken where he dissents from Denifle, promises well for his future treatment of his proper subject. Of periodical contributions to the subject the most important is PAULSEN, *Die Gründung der deutschen Universitäten im Mittelalter* in Sybel's *Historische Zeitschrift* (T. 45, München, 1881). The same writer has prefixed a very short historical introduction to *Die deutschen Universitäten*, ed. by Lexis, Berlin, 1893.

§ 1. PRAGUE (1347–8).

VOLCKMAN, *Gloria Universitatis Carolo-Ferdinandæ Pragensis* (Pragæ: no date) is rather an 'eulogium' than a History; of which VOIGT, *Acta Litteraria Bohemiæ et Moraviæ* (Pragæ, 1774–83), gives a summary with a few extracts from documents. There is also a slight sketch of the history of the University by the same writer, entitled *Versuch einer Gesch. d. Univ. zu Prag* (Prag, 1776). *Monumenta Historica Universitatis Pragensis* (Pragæ, T. I. 1830, T. II. 1832, T. III. no date), edd. DITTRICH and SPIRK, is a valuable and tolerably complete collection of documents. TOMEK, *Geschichte d. Prager Univ.* (Prag, 1849), is a good book somewhat spoiled by the absence of references to authorities. HERBST, *Das juridische Doctorencollegium in Prag* (Prag, 1861), deals almost entirely with post-medieval history. HÖFLER, *Magister Johannes Hus und der Abzug der deutschen Professoren und Studenten aus Prag, 1409* (Prag, 1864), is a useful study of the subject. Many notices and documents relating to the University may be found in HÖFLER, *Geschichtschreiber der Husitischen Bewegung in Böhmen*, in *Fontes Rer. Austriacarum*, SS., T. VI. (*Kais. Akad. d. Wissenschaften in Wien*, 1856–1865), which includes the *Chronicon Universitatis Pragensis*, on which there is a dis-

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sertation by RUSTLER, *Das sogenannte Chron. Univ. Prag.* (Leipzig, 1886). Of recent works on the Hussite movement by far the most important is Loserth, *Wyclif and Hus* (Eng. Transl. by Evans, London, 1884).

No University in Germany in the earlier Middle Age.

NOTHING can more strikingly illustrate the cosmopolitanism of the medieval University system than the fact that up to the middle of the fourteenth century Germany possessed no University at all. Germany was certainly not untouched by the great intellectual movement of the twelfth century; but its two great centres were Paris and northern Italy. To England, indeed, the impulse transferred itself in the infancy of the University system. But when the earliest Universities arose, Germany was too far behind the rest of Europe in culture and civilization for the spontaneous development of a University: and when the period of artificial foundations arrived, its political dissensions were not favourable to such an experiment. Feudal magnates were perhaps less likely to become patrons of learning than either independent Kings or independent Cities. However this may be, the fact remains that for two centuries the University-movement affected Germany mainly by drawing away students to foreign Schools. German students abounded in all the more important Studia both of France and Italy. At Paris, after the rise of the English Universities, they must have formed an increasingly large proportion of the English Nation: while the special privileges which they enjoyed at Bologna, Padua, and other Italian Universities no doubt contributed to reconcile the wealthier class of students to the non-existence of a national Studium.

Designs of Charles IV.

The foundation of a University was a scheme exactly suited to the character and position of Charles IV, King of the Romans and King of Bohemia. It was his policy at once to assert the Imperial prerogative in so far as that could be done by the issue of charters and privileges, and to make his Imperial position an instrument for strengthening and developing his Bohemian kingdom and capital. He was himself a scholar, had lived long in France, was much influenced by French ideas, and had studied in Paris[1].

[1] Pelzel, *SS. Rer. Boh.* II. (Pragæ, 1884), p. 350.

Existing Studium Particulare.

Paris naturally, therefore, became the model for Charles's University; and, partly no doubt in consequence of that precedent, for all subsequent German Universities. A nucleus for the new foundation was already in existence. There had been a Studium Particulare of considerable importance in Prague at least from early in the thirteenth century [1]. In 1271–74 we hear of masters teaching under the Scholasticus of the Cathedral, and the instruction included not merely Grammar and Logic but the Aristotelian Natural Philosophy. The students were drawn from a considerable area—from Austria, Styria, and Bavaria, as well as from all parts of Bohemia [2]. Had the Studium attained to this point of development a little earlier, and had it succeeded in maintaining its prestige continuously, there would probably have been a spontaneous development into a Studium Generale. But the outbreak of hostilities between the Emperor Rudolf of Hapsburg and the Bohemian King Ottokar II in 1274 drove away the students from the Hapsburg dominions, and lowered the importance of the Studium [3]. From more distant regions students could not at the close of the thirteenth century be attracted without chartered privileges and authenticated degrees. The idea of obtaining the now indispensable parchments had already presented itself to the enlightened Bohemian monarch, Wenceslaus I [4], but the plan had failed through the opposition of the nobles, who feared an increase in the power and influence of the clerical order [5]—a significant indication alike of what the Universities had done for the clergy and therefore for the people elsewhere and of the causes which had kept Germany without a University for so long a period. It seems probable too that the scheme was connected, or supposed to be connected, with another project of Wenceslaus—the substitution of 'written laws,' which

Previous attempt of Wenceslaus I: opposition of the nobles.

[1] In 1248, after the capture of Prague by the Margrave Ottacar, we read that 'Studium Pragæ perit,' *Ann. Pragens.* P. i. ap. Pertz, *SS.* IX. 172.

[2] *Ep. Engelberti Abbatis ad mag. Ulricum schol. Wienn.* ap. Pez, *Thes. Anecd. Nov.* I. cc. 429, 430.

[3] Pez, *l. c.*

[4] *Chron. Aulæ Regiæ* ap. *Fontes Rer. Austr. SS.* VIII, ed. Loserth, (1885), p. 130.

[5] *Chron. Aulæ Reg.* pp. 130, 131.

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would practically mean the Civil and Canon Law for the customary law of the kingdom[1]. In 1346–7, however, Charles IV forwarded to the Pope a petition for a Bull of foundation. The Bull was issued by Clement VI in 1347[2], and in 1348 was followed by an Imperial charter, which not unnaturally shows the influence of Frederick's epoch-making charter for Naples—like Prague the capital of a national Sovereign who also wore the Imperial crown[3].

Foundation.

Importance of event.

All the conditions essential to the success of a University were present, and the new institution prospered from the first. The large number of German students who had previously found their way to foreign Universities only shows how many possible students must have been previously deterred by the distance and consequent expense. The bulk of the Germans at foreign Universities were probably young nobles and well-born or well-beneficed ecclesiastics: hence perhaps in part their exceptional privileges at Bologna and elsewhere. The erection of a University in Germany was therefore an event in the social as well as the intellectual emancipation of the German people: the 'career open to merit' was henceforth brought within reach of the sons of the tradesman and the artisan. Martin Luther could hardly have enjoyed a University education if he had had to go to Paris for it: and without a University education for Luther, and such as Luther, the German Reformation could not have been. From other points of view the growth of the German Universities exercised a less entirely favourable influence upon the national development. They are largely responsible for the ascendancy of Roman Law in Germany; an ascendancy which, however satisfactory from the point of view of the

[1] *Chron. Aulæ Regiæ*, pp. 129, 130. The Chronicler says that the nobles opposed this project 'ne . . . fructus, quem de abusivis eorum adinventionibus hactenus consueverant tollere, ipsis forsitan deperiret.'

[2] *Mon. Univ. Prag.* II. p. 219.

[3] *Mon. Univ. Prag.* II. p. 223. This Charter is granted by Charles as King of the Romans and of Bohemia, and confers all the privileges of Bologna and Paris. A purely Imperial Charter of 1349 conferred all the privileges ever bestowed by the Emperors on any University. *Reg. Imp.* VIII. (ed. Huber) No. 834.

scientific Jurist, has not always made for personal liberty or political progress[1].

Rapid success of University.

The foundation of the University came at a moment when the Bohemian nation was making immense strides in civilization and culture. The fourteenth century is the golden age of Bohemian literature: and the country is said to have been exceptionally well-provided with Grammar-schools[2]. We have fairly satisfactory means of tracing the progress of the University in numbers and popularity. All Faculties (except Civil Law) were represented from the first. A rectorial election was held in 1353, which probably indicates the actual opening of the University; and at that time there were five Masters of Theology, two of Decrees, one of Medicine, and several of Arts[3]. A roll of supplicants for benefices sent to the Roman court in 1355 contains the names of one Doctor and one Bachelor of Decrees, five Masters of Arts, and nineteen Bachelors of Arts (many of whom are described as 'actually teaching'), with a large number of students in various Faculties[4]: and later notices testify to gradually increasing numbers in the

[1] 'The universal employment of torture founded on an appeal to the Roman law and the Italian jurists; the Roman theory of the absolute freedom of the monarch in legislation; the principle of the jurists that every landlord on his own estate is to be held as supreme as the Roman Emperor himself; the privileges of the Roman Fiscus; the horrible doctrine of high treason, and the Draconian laws against it; and lastly, the legal axiom that the Sovereign is not amenable to the laws.' Döllinger, *Universities Past and Present*, translated by Appleton, Oxford, 1867, pp. 5, 6.

It may be doubted, however, how far the Roman Law did more than supply a vehicle for the expression of ideas whose growth was due to other causes. The same ideas were growing up in England (where the influence of the Roman Law was almost at its *minimum*), but the resistance offered to the Civil Law by our Common Lawyers was doubtless one of the forces which prevented their complete ascendancy.

[2] See Wratislaw's interesting *Native Literature of Bohemia in the Fourteenth Century* (London, 1878), p. 3 *sq.* Even within the single city of Prague there appears to have been a number of Grammar-schools attached to Parish Churches, the Master or *Rector Scholarum* being appointed by the Parish Priest. But after the foundation of the University, that body claimed a certain jurisdiction over them which led to collisions with the Plebani. (*Mon. Univ. Prag.* I. pt. ii. p. 242, III. p. 65; Tomek, p. 41).

[3] *Chron. Aulæ Reg.* p. 600.

[4] Denifle, I. pp. 593, 594.

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Numbers.

Faculties of Arts and Law from all parts of Germany[1]—especially after the year 1370. By the beginning of the following century contemporary chroniclers declared that the number of foreign students in Prague amounted to two thousand or more[2]. The total numbers of the University at this time cannot have fallen far short of four thousand.

Constitution.

It has been said above that on the whole the constitution of the University was framed on the Parisian rather than on the Bologna model. This statement, however, requires to be understood with certain modifications. The foundation Bull assigned the right of promotion to the Archbishop of Prague, and in the early days of the University's existence the Archbishop, in his capacity of Chancellor, exercised something of that paternal control over it which was exercised in the infancy of Oxford and Cambridge, and more permanently and successfully in French Universities like Montpellier and Angers, by their respective diocesans[3]. By its original constitution the University of Prague embraced all the four Faculties, as at Paris, under the government of a single Rector[4]. But the law-students became ambitious of the student-liberties enjoyed by their class at Bologna and Padua. Hence in 1372 they were allowed to form a separate University under a Rector of their own[5]. We do not possess any early Statutes of the Jurist University, but we may presume that its constitution was more or less influenced by Italian traditions.

Independent University of Jurists, 1372.

[1] See extracts from the Vatican Registers, Denifle, I. 594 *sq.*, and *Mon. Univ. Prag.* I. p. 133 *et passim*.

[2] See below, p. 226. Tomek (p. 38) estimates the average number of students between 1372–1409 at 11,000. This is far too high. The most trustworthy data are the facts, (1) that between 1397 and 1408, 844 persons graduated as Masters, and 3823 as Bachelors (*ib.* p. 30); (2) that 722 students were enrolled in one semester of 1374 (*Mon. Univ. Prag.* I. pt. ii. p. 240). For further discussion of the question, see below, chap. XIII.

[3] See, for instance, *Mon. Univ. Prag.* II. p. 229.

[4] So the *Chron. Univ. Prag.* (ap. Höfler, *Geschichtschreiber*, Th. I. p. 13). But the Chancellor's order of 1360 (*Mon. Univ. Prag.* II. p. 230), that henceforth 'in dicto studio sit unus rector et una universitas' (with a Vicar taken from the Faculty to which the Rector for the time being did not belong), would seem to imply that there had already been some controversy about the matter.

[5] *Mon. Univ. Prag.* II. p. 28; Höfler, *Geschichtschreiber*, II. p. 13.

Even the University of the other three Faculties was not a faithful reproduction of Paris. The Statute relating to the Rectorship is copied from the corresponding Statute at Bologna [1], and does not require the person elected to be a Master. It appears, however, that he usually, if not invariably, was so; and we have no evidence that students had a vote in his election or in other University Congregations. Each University was divided into four Nations, (1) Bohemia, (2) Poland, (3) Bavaria, (4) Saxony [2]. In the non-jurist University all its members belonged to the Nations, and not, as at Paris, the Faculty of Arts only. This constitutional change brought with it another. The special connexion of the Rector with the Faculty of Arts came to an end, and it was necessary for the Artists to have a Dean like the superior Faculties. The Heads of the Nations were usually called by the Bolognese name of Consiliarii, though occasionally styled 'Councillors or Proctors.' The Councillors, who were (it would appear) students or Bachelors, sat with the Masters in the Congregation or Council of the University [3].

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Nations.

In the Council of the University the voting was by heads, in Congregation by Nations. All Faculties were apparently included in the Nations until the secession of the Jurists [4]. The University was, however, even more completely split up for practical purposes into distinct Faculties than the Mother University of Paris. These Faculties were at first composed of the whole body of Masters: but at some date prior to 1393 the ordinary business of the Faculty of Arts was entrusted to a Council consisting of the Dean and the Masters of four years' standing, the

Faculties.

[1] *Mon. Univ. Prag.* III. p. 1.

[2] Bavaria included the whole of South Germany; Poland included also Prussia and East Germany; Saxony the adjoining German States and the Scandinavian countries (*Mon. Univ. Prag.* III. p. 10; Tomek, p. 9). It does not seem clear whether at first the students voted on the election of Consiliarii, but certainly by 1415 the Masters appear to be the only electors (*Mon. Univ. Prag.* III. p. 46). Besides the Consiliarii we hear of certain *Directores* whose position I cannot precisely explain.

[3] *Mon. Univ. Prag.* III. p. 17.

[4] *Ib.* III. p. 17.

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'full Congregation' of the Faculty being summoned only for the admission of new Masters and Bachelors and on occasions of exceptional importance[1]. These constitutional changes we shall find reproduced with more or less fidelity in the other German Universities.

Jurisdiction.

The Rector had from the first jurisdiction in civil causes and 'injuries' over members of the University, subject to an appeal to the Chancellor[2]. In 1392 the University was exempted from the jurisdiction of the ordinary civil tribunals, and in 1397 the Court of the Rector and Consiliarii obtained an apparently unlimited jurisdiction—civil, criminal, and spiritual—over causes in which one party was a scholar, and the University was totally exempted from all Metropolitan and Episcopal jurisdiction by a Bull of Boniface IX, the Pontiff to whom Oxford owes a similar exemption[4].

Endowments.

We have seen that, though originally the Professors alike in the student and in the magisterial Universities were supported by the fees of their scholars, the system of salaried Professors early became characteristic of the Studia of the Bologna type. But while the Masters of Paris and Oxford long continued without direct salary (an indirect endowment was supplied by the Colleges), new Universities rarely succeeded without some kind of endowment. At Prague this was at first supplied from the Royal Exchequer: but after 1352, with the consent of the Archbishop, the expense was defrayed by contributions from the revenues of the Monasteries and Chapters throughout the kingdom[5]. Each of the Faculties was early provided with a building for its lectures[6]. A College (from the first supplied with a considerable library) was erected in 1366 for twelve Masters by the Founder of the University—perhaps incited to fresh liberality by the newly established

[1] *Mon. Univ. Prag.* I. pt. i. p. 93.
[2] *Ib.* II. p. 252; III. p. 5.
[3] *Ib.* II. p. 325.
[4] *Ib.* II. p. 370. This presumably did not supersede the jurisdiction of the Apostolic Conservators (*ib.* p. 346).
[5] Pelzel, II. p. 350; Denifle, I. 598. Fees were still paid by the students.
[6] Tomek, pp. 26, 27.

University of the Hapsburgs at Vienna—and this Collegium Carolinum was soon afterwards connected in an entirely novel manner with the Royal Collegiate Chapel of All Saints, the members of the academical College being appointed to prebends in the Chapel as they fell vacant [1]. It is observable that in one respect the Collegium Carolinum seems to have approximated to the Oxford model rather than to the Parisian, the vacancies being filled up by cooptation. The Hall of the College was the ordinary place of assembly for the University Congregations and other public functions. Residence in a College or a Hall kept by a Master or Bachelor was here required at a much earlier period than at Paris or Oxford [2]—another indication of the real supremacy of the Masters in spite of the democratic character of the Nations. A *Domus Pauperum* was established by a private founder in 1379. The College of King Wenceslaus was founded by that monarch about the year 1836; and in 1397 a College was founded for students from Lithuania and the surrounding countries by his kinswoman Hedvig, Queen of Poland [3]. Most of the Masters of Prague appear to have resided and taught in the Colleges; the College lectures were open to non-foundationers and were recognized by the Faculty: and, as the collegiate Masters lectured in Arts while pursuing their own studies in Theology, the Colleges supplied the place of an additional endowment to the University [4]. The example set by Charles IV was followed in the other German Universities. The German Colleges differed from those of Paris, Oxford, or any earlier University in being intended from the first as Colleges for teachers, and only secondarily (if at all) for students. They often formed part of the original plan of the Universities in which they were set up, and were at all events much more closely connected with the

Collegium Carolinum, 1366.

Other Colleges.

[1] *Mon. Univ. Prag.* II. p. 231 *sq.*; Pelzel, II. pp. 351, 405; Tomek, p. 21 *sq.*

[2] *Mon. Univ. Prag.* III. pp. 8, 9.

[3] Tomek, pp. 25, 27; *Mon. Univ. Prag.* II. pp. 359, 374. Cf. p. 221.

[4] The Bachelors of Arts took a much more important position in the teaching of the Faculty here than at Paris (Tomek, p. 29; Denifle, I. p. 593 *sq.*).

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University and enjoyed much less corporate independence than was the case at Oxford or Paris.

European importance of events at Prague.

For seventy years after its foundation the internal affairs of the University of Prague have an important bearing upon general European history. The University plays a conspicuous part in a great national and a great religious movement. The maturity of each of the foremost European Nations is marked by a profound intellectual movement, of which one of the results necessarily was a collision with the medieval ecclesiastical system. In France it came in the twelfth and thirteenth centuries, and was stamped out by the Albigensian Crusades and the Inquisition. In England it came in the fourteenth century, and was crushed out for the moment, and with it all the intellectual life of the great English University, by the persecution of Lollardism. In Bohemia too the fourteenth century was marked by a great outburst of national vitality. The Bohemian religious revival inaugurated by Milicz and Matthias of Janow was originally independent of the very similar Wycliffite movement in England, though it was only under the influence of Wycliffe that the movement advanced beyond the limits of medieval orthodoxy. At first, indeed, the academic culture of Prague had little connexion with the popular religious movement which was going on all the while in the University City; but ere long a national party grew up in the University itself, which was ultimately brought into connexion with the religious life outside in the person of John Hus, at once a Schoolman and a popular preacher, a reforming Theologian and a nationalist leader.

Quarrels between Czechs and Germans.

The first rumblings of a storm which was to convulse all Europe might have been heard in the intestine feuds of the Bohemian University. The older Universities were essentially cosmopolitan institutions: at Paris and Bologna students of all nationalities met and, in spite of occasional quarrels, managed on the whole to tolerate each other's existence. The division into formal 'Nations,' securing to the foreigners an equal or a preponderating share in the government no doubt largely contributed to this result. But

at Prague the Nation-organization threw the government of the University practically into the hands of a single nationality—the nearest neighbours and the bitterest foes of the Bohemian people. Two of the Nations, the Bavarian and the Saxon, were wholly German: while in a third—the Polish—the Teutonic element seems to have predominated over the Slavonic. But the most substantial part of the Czech grievance was that the Colleges, built by the Bohemian Kings Charles IV and Wencelaus, were being filled with German students. At last, in 1384, the smouldering feud broke out in a petition from the Bohemians to the King and the Archbishop. The Archbishop ordered that in future only Bohemians should be admitted to places on the College foundation, except in the absence of duly qualified candidates. The Germanic Nations appealed to the Pope, and meanwhile the German Rector ordered a suspension of lectures. The Bohemians disobeyed. The result was a series of disturbances of the usual medieval type, in the course of which the Rector himself was grievously maltreated. At last a slight concession was made to the Germans, but the dispute smouldered on till it was merged in the wider issues raised by the Hussite movement [1].

Reform movement at Prague.

When the quarrel broke out afresh, it was upon more serious ground. We have already had occasion to notice the importance of Universities as centres for the growth of reform-movements, particularly of Universities which possessed a Faculty of Theology. From the old religious orders no reform-movement could reasonably be expected: the Mendicants, who alone showed much pastoral activity, were the sworn champions of the Holy See and the friends of every popular superstition. When they revolted against authority, their revolt was not usually in the direction of greater enlightenment. It was only where there was a secular

[1] 'Quinque collegiatos Bohemos in collegio Karoli et sextum indifferentem admiserunt. Et conformiter in collegio Regis Wenceslai secundum numerum collegiatorum fuit concorditer pronunciatum.' Höfler, *l. c.* Th. I. p. 14. The documents are printed *ib.* Th. II. pp. 128–132. As to the exact nature of the compromise, see Paulsen's note, *Hist. Zeitschrift*, T. 45, p. 266.

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Faculty of Theology that any considerable number of instructed parish priests were to be found as distinguished from the clerical lawyers and administrators who appropriated to themselves most of the valuable preferments of the medieval Church. In Italy and in Spain, where Theology was abandoned to the Mendicants, no voice was raised against the Papacy and the myriad abuses which it sheltered. In England, on the other hand, Oxford had become the cradle of the Wycliffite movement. In France, the Theologians of Paris were even now agitating for the compulsory retirement of the rival Pontiffs and the suppression of the Curialist abuses. Prague became the scene of a reform-movement far deeper, more earnest, more closely connected with the popular religious life. The leading Theologians of Prague held parochial cures in the town, and preached in Czech to townsmen and students. Partly perhaps for this reason the reform-movement in the University confined itself to the Bohemian Nation. But in the factions of a medieval University it was almost inevitable that philosophical differences should play their part side by side with religious and racial animosities. We have already seen how the daring Nominalism of the fourteenth century spread from Oxford to the English and German Schools at Paris, how it was proscribed as a philosophic heresy, and how, in spite of proscription, it grew and spread and contributed, with the ecclesiastical controversies generated by the Schism, to reawaken the intellectual life of the University. When Prague took the place of Paris as the chief seminary of German ecclesiastics, Nominalism naturally took possession of its Schools. The attempts made at Paris to stifle Nominalism by authority may well have contributed to swell the numbers who elected to exchange the most famous University in the world for the new Imperial institution in the Bohemian capital. Among the Teutonic Nations at Prague Nominalism carried all before it[1]: and this was almost sufficient reason for the Czechs to turn

Nominalism *v.* Realism.

[1] A Statute of *circa* 1370 forbids the 'scandal,' 'quod magistri quæstiones Buridani et aliorum magistrorum accurtabant per januas inti-

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Influence of Wycliffe.

Realist. Intercourse between Prague and Oxford is supposed to have been promoted by the marriage of Charles IV's daughter Anne with Richard II of England[1]. At all events, the philosophical writings of the great representative of the new post-Ockhamite Realism early found favour in the Schools of the Czech Masters. This Realism of the reforming Bohemian divines effectually tended to prevent the reform-movement spreading to the German Nations: it stamped the Bohemian reform-movement with that impress of nationality which it never lost. From about the year 1401 or 1402 the theological works of Wycliffe gradually began to circulate in Prague[2], and John Hus soon became prominent as the exponent, defender, and imitator of his writings. The reputation of Wycliffe as a Philosopher secured a welcome for his heretical Theology among the Bohemian Masters. Henceforth the faction fights that raged in the streets of the University town in the earlier years of the fifteenth century became a battle not merely of Czech against Teuton and of Realist against Nominalist, but of reformer against conservative, of heretic against orthodox[3].

Condemnation of Wycliffe and resistance in University.

The first open collision between the two parties occurred in 1408. Five years before, the University Congregation, upon the demand of the Chapter *sede vacante*, had formally condemned forty-six articles extracted from Wycliffe's

mando.' *Mon. Univ. Prag.* I. pt. i. p. 82.

[1] The high authority which Oxford enjoyed at Prague is illustrated by a Statute of the latter University passed in 1367, enacting that scholars who dictated books to their fellow-students (*pronunciatores*) were only to dictate works 'ab aliquo vel aliquibus famoso vel famosis de universitate Pragensi, Parisiensi vel Oxoniensi magistris vel magistro compilata,' while Bachelors were also required to confine their comments to the 'dicta' of such Masters. (*Mon. Univ. Prag.* I. pt. i. p. 13.) Cf. Loserth, p. 69 *sq.*

[2] As to the date and means of their diffusion, see Loserth, p. 71 *sq.*, and Mr. Poole's Introductions to *De Dom. Divino* and *De Dom. Civili.*

[3] How closely the two last antagonisms were connected may be inferred from the lines :—

'Facta nunc adultera profert realistas
Chymeras et vetera monstra Wyclevistas
Jam mater ignobilis, meretrix inmunda
Fel emittit heresis velut petram unda.'

Berichte d. deutschen Gesellschaft in Leipzig, 1840, p. 22.

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books. But the writings of the heresiarch continued to be read and taught in the Schools: and John Hus, Rector of the University in 1403, had ardently championed their orthodoxy. A second Congregation was held upon the subject in 1408, attended, it is said, by 64 Doctors and Masters, 150 Bachelors, and about 1000 Students. Again it was ordered that the incriminated articles should not be taught, but with the qualification, 'in their false and heretical sense'; Bachelors were also forbidden to lecture on the *Dialogus*, *Trialogus*, and *De Eucharistia*. The modified character of the condemnation shows plainly the strength of Wycliffite sympathies in the University. In the same year Wycliffe's books, which of course found no favour with the Bohemian hierarchy or with the mass of the parochial clergy, were condemned at a Synod: and all Masters, Bachelors, and students who possessed them were required to surrender them to the ecclesiastical authorities. As at Oxford in the time of Wycliffe, the reforming divines took refuge behind their academical privileges. There were, however, only five students (Hus was not among the number) who had the courage to refuse to surrender their copies, and to appeal to the Holy See against the Synodical decree as an infringement of the privileges of the University, and also on the ground that the definition of Eucharistic doctrine prescribed by the Synod was itself heretical[1].

The Schism.

But now the embroglio was complicated, and the inevitable catastrophe hastened, by the introduction of a political element into the struggle. The very year in which the heretical tendency of the Bohemian reformers first definitely proclaimed itself was the year in which a momentous breach was made in the system of medieval Christendom by the Cardinals of the Holy Roman Church itself. At a Council summoned by a section of the Cardinals of the two Obediences, both the rival Pontiffs were deposed and a new Pontiff elected under the title of

[1] These champions of orthodoxy had blundered into the assertion that nothing remained in the host after consecration but the body of Christ, thereby ignoring the doctrine of concomitance.

Alexander V. Wenceslaus, King of Bohemia, was still struggling for the Imperial Crown against Rupert, Count Palatine of the Rhine, who was favoured by the Roman Pope, Gregory XII. Hence the King was anxious to withdraw his realm from the allegiance of Gregory, and to proclaim its neutrality in the triangular contest for the Papacy. This design was vehemently opposed by the Archbishop and his clergy. In the University the measure was naturally welcomed as a step to the reform of ecclesiastical abuses by the Bohemians, and was consequently opposed by the German element. As, however, the Germans virtually commanded three votes in the University Congregations against the Bohemian one, the King could get no assistance from the academical body. Under these circumstances a deputation from the Bohemian Nation headed by Hus waited upon the King with the petition that the voting-power of the Nations should be altered so as to secure a preponderance for the King's own subjects. On Jan. 18, 1409, a Royal decree was issued which ordered that in future the Bohemian Nation should enjoy three votes, while the other three Nations were to have only one between them. The Germans promptly had recourse to the old weapon which had once proved so mighty an engine against Royal or civic tyranny in Paris and Bologna: they bound themselves together by an oath[1] to secede from Prague in a body if the decree were not withdrawn. A petition was sent to the absent King, and meanwhile his commands were contemptuously disregarded by the hitherto dominant majority. But the old weapons had lost some of their power; the decree was not withdrawn; national passions were becoming too strong for the continuance of the cosmopolitan Universities of the thirteenth century. At last on the 9th of May, the Masters were summoned to the hall of the Caroline College to hear the Royal decision. The German Rector was peremptorily ordered to surrender

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Royal decree against Germans, 1409.

[1] The oath, given in *Geschichtschreiber*, Th. II. p. 166, is a formal instrument before a notary, subjecting the violator to excommunication and a penalty of 60 marks.

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Exodus of Germans.

the insignia of office to a Bohemian nominated by the King. In one day Prague was forsaken by the vast horde of German students who had been attracted by the policy of the Bohemian Emperor-King to the City which he had designed to make the German as well as the Bohemian capital. To the number, it is said, of 5000, the Teutonic Masters and scholars departed; a few perhaps to reinforce younger Universities like Heidelberg and Cologne, a larger contingent to found at Leipsic the most illustrious of the ancient Universities of Germany proper[1].

Importance of this event on Hussite movement.

The German exodus from Prague constitutes something more than an epoch in the history of Universities and of the University system of Europe. A knowledge of the academic conflicts which terminated in May, 1409, is essential to a just appreciation of the general history of the period, and particularly of the causes which led up to the tragi-comedy of Constance and the darker tragedy which sealed the fate of the Bohemian nation. The final split between the German and the Czech elements at Prague was immediately occasioned, we have seen, by the ardour of the Bohemians for ecclesiastical reform. Although sympathizing more or less overtly with Wycliffe, Hus declined to follow him in his most startling heresy as to the sacrament of the Altar: the aims of his party were not very different (though its zeal was more unquestionable) from those of the small group of comparatively liberal divines which had at this time acquired so much influence in the Mother University of Paris. The revolt against the contending Pontiffs, which the Bohemians had joined and which the Germans

[1] Tomek, pp. 60–69; Docs. in Höfler, *Geschichtschreiber*, Th. II. 156 *sq.* The 15th cent. chronicler Procopius (*Geschichtschreiber*, Th. I. p. 70) says that over 2000 left in one day and went to Leipsic. Æneas Sylvius (*Hist. Bohem.* cap. 35) adds that 3000 followed shortly afterwards. The total number Höfler estimates at 20,000 (*Hus u. d. Absug*, p. 247)! But the 602 admitted at Leipsic (see below, p. 254, even allowing for a small proportion having found their way to Erfurt and Heidelberg (at neither is there any large increase of matriculations), do not support such an extravagant estimate. It is said that some of the students went to Cologne, but here there were only eighteen matriculations in June 28–Oct. 9, 1409, and but thirty in the following quarter (Keussen, *Matrikel d. Univ. Köln*, I. p. 112 *sq.*).

refused to join, was in the main the work of the University of Paris. Yet at this time we find the reformers of Paris joining with the anti-reformers of Germany to condemn and to burn the reformers of Prague. What is the explanation of this strange transformation? Partly no doubt the fact that the Bohemian movement represents a genuine outburst of popular religious fervour, while the Parisian movement was at bottom a merely ecclesiastical demonstration. The Bohemian movement seriously threatened the inordinate wealth, the luxury and immorality, the idleness and secularity of the clergy as a body: while the Parisian movement was little more than an outcry of the educated clerical class against abuses by which they did not profit. To some extent it is true also that the doctrinal heresies of Wycliffe (including, in some cases, his denial of transubstantiation) had found sympathisers at Prague, while the reformers of Paris were men of the most rigid orthodoxy. But the total absence of sympathy from first to last between the Hussite party at Prague and the Gerson party at Paris cannot be completely understood without taking into consideration the philosophical antagonisms of the Schools and the streets of the Bohemian University. By the time of the Council of Constance Nominalism was in the ascendant at Paris as well as in Germany. Hus was condemned almost as much for being a Realist in Philosophy as for being a heretic in Theology. By a strange irony of fate Hus, though he professed to accept the doctrine of Transubstantiation, was condemned because the Nominalists of the fifteenth century had persuaded themselves that a Realist could not firmly hold in its integrity a doctrine which owed its existence as an article of Faith to the extravagant Realism of an earlier age. And the outcry against Hus was of course largely the work of his old antagonists in the Bavarian, Saxon, and Polish Nations: the exiles from Prague had carried with them into their new Universities the tradition of hostility to Hus and the Bohemian reformers. At the Council of Constance the very men who had been beaten in the encounter with Hus

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and his party at Prague clamoured for his blood. The national insult of 1409 was wiped out at Constance. And the quarrel did not end at Constance. The Bohemian nation itself fell a victim to the racial animosities which had been so loudly emphasized and so sorely aggravated—though unquestionably they had not been engendered—in the scholastic debates, the academic parties, and the student street-fights of the Bohemian capital.

Rupture between Czech and Teuton inevitable.

Sooner or later the disruption of the bi-racial University was inevitable: Teuton and Czech could not live and study together in the same Schools. Even at the present day, beneath the strong hand of a military monarchy, the separation seems inevitable, and the Bohemian capital now embraces two distinct Universities, a Czech University which still holds aloft the standard of Nationality, and a German University ministering to the wants of students whose patriotism does not rebel against the wider culture to which the German tongue is now the indispensable key.

Progress of Hussite movement.

In the earlier stages of the reform-movement at Prague, the Bohemian element in the University appears as a united body. But, when Hus gradually drifted into open disobedience to ecclesiastical authority, the inevitable moment arrived when the more conservative or more lukewarm of his disciples were offended at him and walked no more with him. From about the year 1412, when Hus publicly disputed against the Papal indulgences granted in aid of the Crusade against Ladislaus of Naples, the Theological Faculty—that is to say, the Doctors—stood aloof. The ardour of these elderly reformers had been effectually cooled by a sharp touch of persecution. Hus's old Master, Stanislaus of Znaim (who had at one time gone to greater lengths in the direction of Wycliffism than his pupil) and his most intimate friend, Stephen Palecz, had been imprisoned at Bologna, when acting as his envoys to the Papal Court[1]. Henceforth the Theological Faculty proper became his enemies. But the University as a body—including, it must be remembered, all

[1] Tomek, p. 60 *sq.*

the younger Theologians, who were Masters of Arts and Bachelors or students in Theology—were in his favour. And their support was steadily continued throughout his trial and after his condemnation. CHAP. IX, § 1.

To trace the various steps by which their sympathy was shown would be possible only in a special history of the University, and would almost involve writing the history of Bohemia during this momentous crisis in her national existence. Suffice it to say that the University as a body refused to submit to the Council of Constance as strenuously as they had refused to submit to the decisions of Archiepiscopal Synods or Papal delegates. In 1417 the privileges of the University were suspended by a decree of the Council; while the University unflinchingly maintained the principle of Communion in both kinds[1]. The revolt of Prague, not only against Ultramontanism but against what for want of a better term we may call Medievalism, was thus far more complete, as it was far more unanimous, than the revolt of Oxford in the days of Wycliffe. Sympathy with Hus.

It has been said that moral movements come from below, intellectual movements from above. The remarkable feature of the Oxford movement in the fourteenth century and the Prague movement of a generation later—a feature which completely distinguished them from the Gersonite movement at Paris—was that in them an intellectual current from above united itself with a moral current from below. Wycliffe and Hus were both of them great preachers and popular leaders as well as Professors, the creators of a vernacular literature as well as Scholastic Theologians. Both at Prague and at Oxford the movement was eventually suppressed because the two elements—the movement from above and the movement from below—could not hold together. At Oxford Wycliffe's teaching aroused or became identified with socialistic tendencies which alienated the Court and the upper classes of lay society generally. At Prague, after the revolt of Bohemia against the decrees of Constance, the University divines Scholasticism unites with popular Religion.

[1] Höfler, *Geschichtschreiber*, Th. II. pp. 237, 243. Tomek, pp. 105–6.

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led a party of moderate reform, which failed permanently to control the popular movement which had been set on foot by its great Master. The fanaticism of the Taborites ruined the cause, and prepared the way for the humiliation of the Bohemian people, for the triumph of the Catholic, the anti-national, the Ultramontane reaction in the country whose heroic spirit had anticipated the final revolt of one half of Europe from medieval Christianity [1].

Influence of Universities on Reformation.

When the standard of revolt was raised once more, it was raised by the very nation which had most strenuously set itself against the Hussite movement. The Teutonic nation was the last of the nations of Europe to attain to moral and intellectual maturity: it was the last to assert its manhood by a rebellion against Roman usurpation, but it was the first to carry its revolt to a successful issue. The Reformation which succeeded, like the earlier reform-movements of the Middle Ages which had failed, was born in a University. There only were the culture and the learning, the leisure and the possibilities of co-operation, which were necessary for the growth of intellectual and religious revolt, found in union with that measure of liberty which was essential for an even temporary resistance to authority. The mass of the higher clergy was incapacitated for the work of reform, not so much because they were ecclesiastics as because they were primarily politicians and lawyers: the lower clergy were incapacitated by their ignorance and their obscurity: the monks by their wealth and their essential conservatism. An individual friar might, indeed, be a reformer, but the religious orders were opposed on principle to individual liberty, and were decidedly Ultramontane in their traditions, except when they were carried away by visionary and unpractical enthusiasms like those of the spiritual Franciscans and the Fratricelli. It is hardly too much to say that the existence of Universities—Universities of the northern type with secular faculties of Theology—made the Reformation a possibility.

One other feature of the Hussite movement serves to

[1] Höfler, *Geschichtschreiber*, Th. II. p. 475 *sq.*

Intercourse between medieval Universities.

illustrate an essential characteristic of the medieval University-system—the close intellectual solidarity which it established between the different parts of Europe. At the beginning of the fifteenth century it is true that the majority of average students in England, France, and Germany no longer went abroad to study. But the most enterprising students still, as a rule, studied, at one period or other of their career, in more than one University and very often in the Universities of more than one country. A distinguished teacher, anywhere but at Paris, was sure to promulgate his views, either personally or through some ardent pupil, in other Universities than his own. The Hussite movement, as a religious revival, was indeed of purely indigenous origin; but very early in its history it was profoundly modified by the intimate connexion which was kept up between Prague and Oxford. The use of Latin as the language of academical life threw open the lecture-rooms of a University to every part of Europe. The universal validity of the academic Licence made the teacher of one University a potential teacher in all others. Books spread from one country to another in a sense more easily before the invention of printing than after it: a single copy of an Oxford Master's lectures, carried to Prague in a traveller's baggage, could be instantly republished in the *scriptoria* of the University writers, and had not to wait for a translator[1]. In this way it came about that in the Middle Ages, ideas, systems, and movements spread more easily from Paris to Oxford or from Oxford to Prague than they spread at the present day from Berlin to Oxford or from Oxford to Berlin.

Condition of University during Hussite troubles.

While it is the 'movements' which the Universities originate which constitute a large part of the interest of our subject, movements are by no means uniformly favourable to the quiet educational work which is the primary, though by no means the only, purpose for which Universities exist. The national movement of 1408 deprived Prague of its cosmopolitan character: the Utraquist move-

[1] Cf. above, p. 223.

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ment of 1416 enormously diminished the influx of students. After the expulsion of the Catholics in 1419, the theological, legal, and medical Faculties seem to have almost ceased to exist. The men who came to the University only to advance their fortunes in the Church now advanced them best by staying away. After the siege of Prague by Sigismund promotions even in Arts were suspended for no less than ten years, though for the last seven years of that troubled period lectures were not wholly dropped [1]. During the course of the Hussite war most of the property of the University and its Colleges found its way into the hands of the Emperor and other lay owners. But the foundation of numerous Colleges during the latter half of the century [2] to some extent repaired these losses, and testify that the educational activity of the Utraquist University was not entirely suspended by the political and theological discords of the time.

New Colleges.

§ 2. VIENNA (1365).

Conspectus historiæ Universitatis Viennensis (Viennæ, 1722), is a book of Annals with copious extracts from the Registers and other documents. COLLAND, *Kurzer Inbegriff vom Ursprunge der Wissenschaften, Schulen, Akademien, und Universitäten in ganz Europa, besonders aber der Akad. und hohen Schule zu Wien* (Wien, 1796) contains a short summary of the University's history. GEUSAU, *Gesch. d. Stiftungen in Wien* (Wien, 1803) and HORMAYR, *Wien, seine Gesch. u. seine Denkwürdigkeiten* (Wien, 1823) have only short notices of the University. KINK, *Gesch. der Kaiserl. Univ. zu Wien* (Wien, 1854), is a satisfactory work with a large collection of documents. ASCHBACH, *Geschichte der Wiener Universität* (Wien, 1865), is a full account of the first century of the University's existence, chiefly from the point of view of the history of learning, with biographies of the Professors. Large extracts from the Matriculation-book and other documents are also printed by STEYERER, *Commentarii pro hist. Alberti II*

[1] Tomek, p. 108 *sq.*

[2] The Collegium Recek or Sanctissimæ Virginis, founded by the Archbishop John Recek de Ledecz (1438), and the Collegium Lundæ or Apostolorum (1439), were what was called at Paris *Colléges de plein exercice* (vol. I. p. 508); besides some smaller houses which merely lodged their scholars. One of these (Collegium Nazareth) was closely connected with Bethlehem Chapel, the scene of Hus's preaching, and the starting-point of the Hussite movement. *Mon. Univ. Prag.* III. p. 54. Volckman (p. 21) mentions a College of SS. Matthew and Matthias, and a Collegium Angelicum. Exhibitions were also founded by Adelbertus Ranconis in 1388 to enable Prague students to study at Paris or Oxford. See Loserth, pp. 40, 41.

(Lipsiæ, 1725, p. 410 *sq.*). The documents up to 1384 are also printed by SCHLIKENRIEDER, *Chron. Diplomat. Univ. Vindob.* (Viennæ, 1753): and the Statutes in KOLLAR, *Analecta monumentorum Vindobonensia* (Vindobonæ, 1761). There is an Article dealing chiefly with Vienna, *Über d. gesch. u. rechtliche Stellung d. Univ. in d. Kirche* in *Zeitschrift f. Kath. Theol.*, Wien, 1850.

Motives of foundation.

We have seen how closely connected with the political aims of the Emperor Charles IV was the foundation of the University of Prague. The inspiring motive of the second German University was no less political. It owed its origin to the most formidable rival of the Bohemian Monarchy in the Germanic commonwealth, the House of Hapsburg, whose jealousy had been recently stimulated by the precedence over all other Princes assigned to the Electors in the Golden Bull issued by the founder of Prague in 1356.

Existing School of S. Stephen.

The only previously existing nucleus for a University in the Austrian capital was the School of S. Stephen. From the end of the twelfth century we have frequent notices of an important school held in or close to S. Stephen's Church. By the Charter granted to the town by Frederick II in 1237 the School of S. Stephen's is to be placed under the authority of an officer—afterwards called Scholasticus or Rector[1]—to be appointed by the Emperor with authority to appoint other Masters[2]. Albert I[3] gave the nomination to the Town Council. The School enjoyed some reputation at the end of the thirteenth and the beginning of the fourteenth centuries; the praises of

[1] So Denifle (I. p. 604) calls him. In the Charter of Albert III (Kink, II. p. 63) he is called 'Rector Scholarium Sancti Stephani.'

[2] 'Volentes etiam commodo studio prouideri . . . potestatem damus plenariam magistro, qui Wienne per nos vel successores nostros ad scholarum regimen assumetur, ut alios doctores in facultatibus substituat de consilio prudentum uirorum ciuitatis eiusdem, qui habeantur sufficientes et idonei circa suorum studium auditorum.' *Archiv für Kunde österr. Geschichtsquellen*, X. 1853, p. 126.

[3] Document in *Sitzungsberichte d. Kais. Acad. d. Wissensch.* (Phil-hist. Cl.) XIII. (Wien, 1854), p. 337: 'So geben wir vollen gewalt dem Schulmaister datz Sant Stephan der Pfarrechirchen, der von dem rate der Stat de wirt gesetzet ze schulmaister, ander Schul under sich ze stiften in dem stat, und doch der si erleich und gewohnleich sein . . . Swer dauider dehain Schul ze seiner Chirchen oder in seinem hause hiet wider des Maisters willen und der purger, daz sulen di Purgo wenden mit allen sachen.' The true date appears to be 1296, though the editor gives 1196.

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the then Scholasticus, Ulrich, are sung by a poet, who describes clerks from all parts of the world as flocking to hang on the Master's lips [1]. Some allowance must, however, be made for the rhetoric of a pupil addressing complimentary verses to his Schoolmaster; but an allusion to 'Faculties' shows that the School was something more than a mere Grammar-school.

First foundation of University by Rudolf IV, 1365.

The foundation of a University is due to Duke Rudolf IV. His charter was issued in 1365. It does not follow the model of any earlier charter of the kind, but contains a very ample grant of privilege and fixes the constitution of the University in much detail [2]. It orders that a 'general and privileged Studium' shall henceforth be established in Vienna, 'according to the ordinances and customs observed first at Athens, then at Rome, and after that at Paris.' It is needless to say that the influence of the last mentioned University is more distinctly discernible in the Rudolfian constitution than that of its supposed predecessors. The constitution prescribed by Rudolf is the Parisian constitution with a few modifications. The ancient Town Church of All Saints (more usually known as S. Stephen's [3]) was to be made Collegiate, and its Provost to become Chancellor of the University: the University Chest was to be placed in its Sacristy.

Proposed organization.

The anomalous arrangement by which at Paris the Four Nations of Artists elected the Rector of the whole University is perpetuated at Vienna, the Nations being styled (1) Austria, (2) Saxony, (3) Bohemia, (4) Hungary [4]. The main difference between the system established at Vienna by Rudolf and that which had grown up at Paris was in connexion with the administration of justice. The Viennese students enjoyed much more extensive exemptions than the Parisian. Charges against a Master or a scholar, which would be capital in the case of an unprivileged lay-

[1] Ap. Leyser, *Hist. poetarum et poematum medii ævi*, p. 2034, l. 647 *sq.*

[2] Printed by Kink, II. pp. 1–24.

[3] Schlikenrieder, p. 142.

[4] The division was made by the first Statute of the University, passed in June, 1366. Kink, II. p. 32.

man, were to be tried, not (as at Paris) by the Bishop, but by the Chancellor[1]. Other criminal charges and civil plaints were to go before the Rector, who had also jurisdiction in ordinary civil actions and minor criminal charges where the plaintiff was a scholar. More serious offences against a scholar were to go before the ordinary secular courts[2], but a special scale of punishment—a curiously minute *lex talionis*—is prescribed for the punishment of such crimes[3]. A number of special and unprecedented privileges are conferred for the protection of scholars and the benefit of the University. Property confiscated for outrages on scholars was to be divided between the University and the injured party. The assailant of a scholar lost the benefit of sanctuary. Special protection in travelling was promised with the usual exemptions from tolls and municipal taxes. If a scholar was robbed, the Duke would compensate the loss. In Vienna itself a special quarter of the town was granted for the accommodation of students with a right to demand such houses as they pleased for their residence, the rent to be fixed by the usual method of arbitration. The system of a specially assigned students' quarter (which had grown up spontaneously in the older Universities) was, it will be remembered, artificially reproduced in some of the Spanish Universities; and it was no doubt a measure highly conducive

[1] One exception to the extensive protection accorded to students is too significant of the actual condition of student and clerical morality to be omitted: 'Sane ut magis disciplina Scholastica clericalis religionis, Katholice institucionis ac humane discrecionis cerimonie a membris dicte Vniuersitatis purius et rigidius obseruentur, declarantes presentibus quo supra nomine volumus, quod si quis in Magistrum uel studentem dicte Vniuersitatis sue honestatis et salutis immemorem cum sua uxore agentem turpiter deprehensum manus violentas iniecerit uel sibi offensam irrogauerit, pro eo per nos, Rectorem uel ipsam Vniuersitatem non est aliqualiter puniendus, Nolentes aliquam personam dicte Vniuersitatis quo ad hunc casum indultis sibi priuilegiis et iuribus perfrui et gaudere' (*l. c.* p. 18).

[2] 'Exceptis duntaxat causis mortis et criminibus honorem seu famam rei concernentibus.'

[3] *e.g.* 'Si quis Magistrorum uel Studencium ab ullo sauciatus uel ex violenta manuum uel pedum incussione taliter lesus fuerit, quod ex eo membrorum suorum officia non amittit, quod eidem Lesori pro eo deprehenso debet manus pugione transfigi, nisi id redimat quadraginta marcis argenti' (*l. c.* p. 14).

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to the security of the students and the peace of the town. But at Vienna this Latin quarter was by the terms of Rudolf's Charter positively to be fortified against assailants by a special wall. It was recognized that students in a medieval city required as much protection as Christians in modern Turkey or Jews in modern Russia.

Bull of Urban V, 1365.

Before the issue of Rudolf's Charter, the consent of the Pope, Urban V, had been obtained [1], and shortly after it (1365) a Papal Bull of foundation of the usual type was granted [2]. In one point there is a discrepancy between the terms of the Ducal and the Papal Charters. Rudolf provided for a Theological Faculty: Urban V expressly excluded Theology from the Faculties in which the ecumenical Licence might be granted at Vienna. The Popes had begun to relax their earlier policy of confining theological graduation to Paris, but not in all cases. Prague had been granted a Theological Faculty from the first: and it was through the intrigues of that University and its Imperial patron that a similar concession was not granted to Vienna. Charles IV had gone in person to Avignon to prevent the erection of any University at all at Vienna, but had to content himself with this very modified triumph [3].

Failure.

We are by this time familiar with the difficulties which, except under peculiarly favourable circumstances, attended the establishment of a new University. Ample endowments were absolutely essential to secure Professors whose reputation would attract students. Rudolf's foundation (unlike the more successful venture of Charles IV at Prague) consisted chiefly in the grant of paper-privileges. Of more substantial assistance we hear nothing, except the impropriation of a single benefice, which was to take effect on the resignation of the then incumbent, Albert of Saxony [4]. Above all, the University lost its founder in the very year of its birth.

[1] Denifle, I. p. 605; Doc. in Kink, Tom. I. pt. ii. p. 1, from which also it appears that the Municipality had granted privileges to the projected University.

[2] Kink, II. p. 26.

[3] Aschbach, p. 17.

[4] Doc. in Kink, II. p. 34. Four Proctors are mentioned in the Stat. in Kink, II. p. 40, but it is not clear whether they were Masters or students.

From that time till 1383 Austria was distracted by the dissensions of the rival Dukes, Albert III and Leopold III, between whom Rudolf had divided his dominions. During the civil war neither brother was likely to concern himself much about academical affairs. As a matter of fact we do not know the name of a single Master who taught at Vienna in the earliest years of the University, except the first Rector[1], Albert of Saxony, a former student of Prague and M.A. of Paris[2], to whom, in consultation with the Ducal Chancellor, the Bishop of Passau, the arrangements for the foundation of the University had been entrusted. From 1366 to 1377 no documents are forthcoming except a deed of 1370 for the foundation of a small College[3]. That document is sufficient to show that the University was at the very lowest ebb, and that the possibility of its actual extinction was contemplated. From 1377 to 1383 a fragmentary Matriculation-book supplies somewhat clearer evidence of a continued though very feeble vitality[4].

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In 1383 Albert III came into possession of the whole Austrian Dukedom, and from that year the University dates its regeneration. The moment was an auspicious one for the revival of a German University. Paris was still distracted by the disputes which the Schism of 1378 had brought with it. The German Masters were more or less decidedly in favour either of neutrality or of the recognition of Urban VI, and found it difficult to maintain their independence in opposition to the pressure put upon them to declare for the French Pope, Clement VII. Moreover, by remaining dissentient members of a University which as a body adhered to Clement VII, they would lose all hope of preferment by means of the *Rotulus Beneficiandorum*. Hence about the year 1383 the Duke found it easy to attract to Vienna the distinguished Doctor of Theology, Henry of Langenstein, one of the strongest opponents of Clement at Paris[5]. Henry

Revival by Albert III, 1383.

[1] Steyerer, *Commentarii pro hist. Alb. II.* (Lipsiæ, 1725), pp. 429, 453.

[2] Aschbach, p. 12.

[3] A College of Bachelors, founded by Master Albert, Pastor at Gars, in 1370. Hormayr, V. p. clxxiv.

[4] Steyerer, *l. c.*, p. 455.

[5] There is no positive evidence of an actual institution by the Duke. See Denifle, I. pp. 618, 619.

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became the 'soul' of the new University [1]. Other Masters followed him. In the year 1384 a new Ducal Charter of Privilege was issued, a Papal Bull was procured authorizing promotions in the Theological Faculty, not under the Chancellor but under the Provost of All Saints [2], and the real life of the University began.

Albertine reorganization.

The Rudolfian constitution was the work of the Master of Arts, Albert of Saxony; the Albertine was mainly inspired by the Theologian Henry of Langenstein [3]. The former preserved in the main, the latter entirely destroyed, the anomalous ascendancy enjoyed by the Faculty of Arts at Paris. As at Prague, the Rector and Proctors might now be elected from any Faculty [4], so that the superior Faculties are included in the Nations. This measure made it necessary for the Faculty of Arts to have a Dean of its own. In the method adopted for the endowment of the University, too, the influence of Prague is unmistakable. A Collegium Ducale is founded to house twelve Masters of Arts and two or three of Theology: and the College is to be connected with the Collegiate Chapter of All Saints, in exactly the same way as the Carolinum of Prague was connected with the Church of All Saints at Prague. The members of the Collegium Ducale were to succeed to the vacant Canonries. The town Grammar-school of S. Stephen's was also incorporated with the University, which was henceforth to have the appointment of its Rector and the three other Masters [5]. At the same time the connexion with the Municipality was

Collegium Ducale.

[1] Hartwig, *Henricus de Langestein dictus de Hassia*, Marburg, p. 37 *sq.*

[2] 'Prout in Bononiensi uel Parisiensi aut Cantabrigie uel Oxoniensi Studiis generalibus in similibus est fieri consuetum.' Doc. in Kink, II. p. 46.

[3] Doc. in Kink, II. pp. 49–71.

[4] The Statutes prescribe an elaborate system of rotation among the Faculties, so that each Faculty has one Proctor. Kink, II. p. 79.

[5] The Rector's salary was to be 'triginta due libre preter accidentia Chori Sancti Stephani': of other Masters (each) 'sedecim libre denariorum Wiennensium.' These were to be Masters of Arts: the Masters of the other Schools in the town ('Rectorem Scholarium ad Sanctum Michahelem, et in Hospitali, necnon et quibuscunque aliis') were, if they pleased, to enjoy the privileges of the University. No new School was to be set up without leave of the Rector (*l. c.* p. 63).

kept up by the appointment of a Conservator of Privileges from among the Royal nominees in the Town Council. CHAP. IX, § 2.

Statutes.

In the year after the foundation (1384) the Duke granted a formal licence to the University to make Statutes for itself. A code of general Statutes for the whole University was drawn up in the following year, and in 1389 Statutes for the respective Faculties [1].

Altered position of Faculty of Arts.

Since in the infancy of the University the number of Masters might be insufficient to form a Congregation, it is enacted that 'till Masters and Doctors be sufficiently multiplied,' Bachelors shall have seats in that Assembly [2]; and provision is made against an individual Master exercising the vote of a whole Faculty [3]. It should be noticed that the division into Nations adopted by the Rudolfine constitution is slightly modified in the Albertine. The Nations are now styled: (1) the Austrian (including Italy); (2) the Rhenish (including Western Germany and all Western Europe); (3) the Hungarian (embracing also all Slavonic nationalities); (4) the Saxon (including Northern and Eastern Germany, the Scandinavian kingdoms, and the British Isles) [4].

Albertine Constitution.

Vienna, after the Albertine reorganization, was still in the main a University of Masters. But its constitution admits the students to a larger share in the government of the University than was the case at Paris or Oxford. They have no share in legislation: but they have apparently [5] a vote in the election of Proctors, and are eligible to the office. The importance of the Proctors is, indeed, to a considerable extent modified by the transfer of many of their functions to the Deans: but they still elect the Rector, who, though no longer the President of the Faculty

[1] Kink, II. pp. 72, 73 *sq.*, 95 *sq.*

[2] Kink, II. p. 83. It seems that this transitional state of things passed away, at least as regards the Faculty of Arts, before 1389 (*ib.* p. 184). In the Faculty of Law, Licentiates apparently had votes, but not Bachelors (*ib.* p. 138).

[3] Kink, II. p. 86.

[4] *Ib.* p. 51.

[5] The Statutes are not clear on this point; but they do not limit the power of voting to Masters. As a matter of fact, Scholars were rarely elected. See the lists in Aschbach, p. 593.

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of Arts, remains the Head of the whole University; and the Rector and Proctors, together with the Deans, form the 'Consistory' or Executive Council. In many other respects we notice an infusion of Bologna ideas in the University institutions. There is far more magisterial discipline at Vienna than at Bologna or Montpellier, but perhaps rather less than at Paris and Oxford. Marriage, though married students are described in the registers in a by no means complimentary manner, is not absolutely a bar to graduation [1].

Curriculum.

The educational system of the University is likewise Parisian. But whereas the official Arts curriculum of Paris consisted, as we have seen, almost entirely of Aristotelian treatises, Vienna is less conservative, and introduces, in addition to the books of the Paris course, several modern books, which were no doubt in extensive use at Paris, but were not 'taken up' for the schools, such as the Summulæ of Petrus Hispanus, and a much larger amount of Mathematics than appears (though the point is not quite clear) to have been exacted at Paris [2]. 'Some book of

[1] Under 1397 there appears the entry 'Baccalarius Johannes de Bertholtzdorf, primus qui duxit uxorem.' Again, 'uxorem duxit versus in dementiam.' Kink, I. pt. i. p. 133. In the Statutes of Ingolstadt, a University modelled on Vienna, absence from lecture is (in 1526) condoned 'si quis sanguinis minutione aut propter honestas nuptias ... impediretur.' Prantl, *Gesch. d. Un. Ingolst.* II. p. 178.

[2] For B.A.: 'Debet audiuisse..Summulas Petri Hyspani, Supposiciones, Ampliaciones et Appellaciones, Obligaciones, Insolubilia, Consequencias, Veterem artem, Priorum, Posteriorum, Elencorum, Physicorum, De Anima, Spheram, Algarismum, Primum librum Euclidis, aut alios libros equiualentes'; together with 'Primam et secundam partem Doctrinalis, Secundam partem Grecismi, Vnum librum in Rhetorica.' These last might be heard 'vbicunque,' *i. e.* not necessarily 'in scolis publicis alicuius Vniuersitatis.' Kink, II. p. 189. The Licence Examination further included 'De Celo et Mundo. De Generatione et Corrupcione. Meteora. Parua Naturalia communiter legi consueta. Theoricas Planetarum. Quinque libros Euclidis. Perspectiuam communem. Aliquem Tractatum de Proporcionibus, et aliquem de Latitudinibus formarum. Aliquem librum de Musica et aliquem in Arithmetica. Sex libros Ethicorum, Metaphysicam et Topicorum.' *Ib.* p. 199.

The table of lecture-fees given in the same Code (p. 213), contains several books not mentioned in the above list, *e.g.* 'Politicorum decem grossi ... Yconomicorum duo grossi. Boethius de consolacione philosophie quinque grossi . . . Proporciones

Music' is also required. In some of these innovations it it possible that we may trace the influence of Oxford transmitted to Vienna by the Englishmen[1] and other members of the English Nation at Paris who were the first Masters of the University of Vienna. Possibly the influence of Oxford may be traced also in the conferment of regular degrees in Grammar, of which we hear nothing at Paris[2].

Of later accessions of privilege, two only need be mentioned—the appointment of the Bishops of Ratisbon and Olmütz and the Abbot of the Scots' monastery in Vienna as Papal Conservators in 1411[3], and the conferment of spiritual jurisdiction upon the Rector by Martin V in 1420, a jurisdiction which, however, does not seem to have excluded that of the diocesan, the Bishop of Passau[4]. At some time before the end of the fifteenth century a general superintendence of the University, including the payment of the *Stipendia*, was entrusted to certain 'Superintendents' commissioned by the Archduke.

Later Privileges.

The decline of Prague in consequence of the Hussite

longe Bragwardini tres grossi . . . Summa Naturalium Alberti quatuor grossi.' The fees vary from twelve *grossi* (for the Ethics) to two. A scale is also given for 'particularia siue Cameralia exercicia . . . in questionibus consuetis seu precognitis' (p. 215): *e.g.* 'Magister disputans in priuato exercicio questiones Byridani . . . habeat de ipsis octo libris physicorum Viginti quatuor grossos a quolibet exercitancium' (p. 216). The fees are throughout much higher. The prominence of these 'private lectures' (A. D. 1389) affords interesting evidence of the progress of College teaching at Paris. Cf. the Stat. of 1413 (*l. c.* p. 254) which enforces attendance at the 'exercitium Bursale' (*i. e.* disputations in the Bursæ or Halls) every evening. In 1509 students were further required to attend the private grammar-lessons (*Resumptiones*) of a Master (p. 317).

[1] Aschbach, p. 31.

[2] The Stat. of 1428 is the earliest allusion to such degrees that I have been able to find in any University North of the Alps (Kink, II. p. 274; 'baccalariatus in grammatica'). Maximilian I, in 1501, founded a 'Collegium poetarum,' including a 'lector ordinarius in poetica,' with authority to examine and to confer the 'laurea' upon aspiring poets approved by him (pp. 305–7). The word 'Poeta' was of course used very much in the sense of a 'classical scholar' as opposed to the Logician or Scholastic Philosopher.

[3] Kink, II. p. 238.

[4] Kink, II. p. 269. (Cf. *Conspectus*, II. p. 32.) The exact extent of his jurisdiction is not clear, and he certainly had great difficulty in enforcing it. Vienna had no Bishop till 1480.

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troubles put Vienna at the head of the German Universities[1]. Vienna long resisted the tendency observable in older German Universities towards the concentration of power in the hands of an inner circle of senior Masters. It was not till 1458 that it was proposed to deprive the Masters of Arts of their votes, though not of seats, in the Council of the Faculty and in the Congregation of the University. The three superior Faculties voted for the measure, but the young Masters of Arts had a majority in their Faculty, and refused to vote their own disfranchisement. A threat of appealing to the Holy See induced the other Faculties to consent to reduce the period of exclusion from six years to four[2]. Later we hear of a University Council composed of the 'Seniors of all Faculties[3].'

§ 3. ERFURT (1379, 1392).

MOTSCHMANN, *Erfordia literata*, Erffurtta, 1729. WEISSENBORN, *Acten der Erfurter Univ.* in *Geschichtsquellen der Provinz Sachsen*, VIII. (Halle, 1881). In the last-mentioned work is printed the Statute-book of 1347, a project or short draft for the original Statutes made before the actual beginning of the University, and the Matricula. The same writer's *Hierana*, I. II. (*Beiträge zur Gesch. des Erfurtischen Gelehrtenschulwesens*, Erfurt, 1862 and 1872) deals chiefly with the post-Reformation Grammar-schools. He has also published *Amplonius Ratingk u. seine Stiftung*, Erfurt, 1878, and *Die Urkunden für d. Stift. des Amplonius Ratingk*, Erfurt, 1879. Denifle's section on Erfurt (I. 403) is largely based on unpublished documents. KAMPSCHULTE, *Die Univ. Erfurt in ihrem Verhältnisse zu dem Humanismus und der Reformation* (I. Trier, 1858) of course refers chiefly to a later period.

Ancient Schools of Arts.

The origines of the University of Erfurt are perhaps more interesting than those of any other German University. The Schools of Erfurt (a town comprised in the territory of the Archbishop of Mainz), though not the first to acquire University rank, may claim a greater antiquity than

[1] *Conspectus*, II. p. 62 *sq.*

[2] *Conspectus*, I. pp. 183–186. The excluded Masters were allowed to speak by permission of the four senior Masters. They were further excluded from votes for a fifth year 'in graciosis,' *i. e.* in granting dispensations.

[3] *Conspectus*, II. p. 31 (1480).

any other Schools of the same calibre in Germany. Towards the end of the twelfth century the conventual Schools of the place were of considerable importance, though by this time secular students were excluded from them in accordance with the custom which had become or was becoming universal throughout Europe [1]. In the middle of the following century we read of 1000 boys studying in the town [2]. Many of the churches had *Magistri Scholarum*, and at the end of the thirteenth century (and probably throughout that century) the four 'Principal Schools' of Erfurt, *i. e.* the Schools of the four Collegiate Churches of the place, had been Schools of Arts in the fullest sense, and not mere Grammar-schools, and were united together by some kind of organization under a *Rector Superior*; they were governed by Statutes made by the Chapters and approved by the Archbishop of Mainz [3]. To such an extent had these Schools assumed a University character, that the place appears to have been popularly spoken of as a Studium Generale, at least by its own ambitious officials. At all events in a Roll of supplications for benefices sent to Urban VI by German Masters in 1362–3, the then Rector, Henry Totting, procured the insertion of his name as 'Rector superior studii generalis et solennioris Alamannie artium Erfordensis [4].' The fate of the petition is an instructive illustration of the notions by this time attached to the conception of a Studium Generale. In the thirteenth century the Studium of Erfurt would probably have been recognized as 'general,' in the technical sense of the word,

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Disputed claim to be Studium Generale.

[1] Doc. in Denifle, I. 403.

[2] Denifle, I. 404, refers to *Chron. Ecclesie* (ed. Wegele, Jena, 1855, p. 354 *sq.*). The same number is given at the end of the century by the versifier Nicolas de Bibera, ap. *Geschichtsquellen der Prov. Sachsen.* Halle, 1870, I. p. 90. From the earlier part of the same poem, it would seem that Classical studies were pursued at Erfurt almost as extensively as at Orleans; but see Denifle's remarks (I. p. 404).

[3] 'Anno 1293 facta fuerunt statuta pro scholaribus et Rectoribus Scholarum Erffordiæ per omnia ibi Capitula; et per judices S. sedis Moguntinæ confirmata: quæ merito starent et servarentur in omni schola.' *Chron. Engelhusii*, ap. Leibnitz, *SS. Rerum Brunswic.* II. (Hanoveræ, 1710), p. 1123.

[4] Denifle, I. 406.

CHAP. IX, § 3. except perhaps for the non-existence of one of the superior Faculties[1]. But now the rival applicants for benefices lodged a complaint against the petition of Henry Totting as 'surreptitious,' on the ground that he had described himself as the Rector of the University[2] of Erfurt, when in fact no University existed in that town. A few years later the Emperor wrote to the Pope in support of the applicant's petition, and in his letter describes the school as a Studium Generale 'according to the custom of that and of other surrounding countries[3]'; but he does not defend the technical accuracy of the description. The recognition of its position had not been sufficient to constitute a Studium Generale *ex consuetudine*. In particular it had never received (like the acknowledged Studia Generalia *ex consuetudine*) any grant of privilege; and by this time privilege had come to be regarded as of the essence of a Studium Generale. Moreover its teachers appear to have come from Paris and other Universities, so that it is doubtful whether at this time graduation was practised at Erfurt.

[1] Denifle (I. p. 409) suggests that it is possible that in the thirteenth century, when the use of the term originated, Law or Theology was taught here, and that it was then a Studium Generale *ex consuetudine*. Kaufmann dogmatically pronounces that Erfurt was a Studium Generale (*Deutsche Zeitschrift f. Geschichtswissenschaft*, I. pp.146-150), ignoring the opposition to its claims and the qualification 'sec. usitatam loquendi consuetudinem illius patrie.' The fact is, Erfurt was in the fourteenth century a Studium Generale in the thirteenth-century sense, not in the technical sense of the fourteenth century, which implied the *jus ubique docendi*.

[2] 'Rector Universitatis studii Erforden.' (Denifle, I. p. 407.) As a matter of fact he had used the term 'studium generale,' not 'universitas studii'; the circumstance is interesting as showing how completely the latter term had come to have the same meaning as the former.

[3] Denifle (I. 407) prints an interesting extract from this unpublished document: 'Quia in dicto loco Erforden. secundum usitatam loquendi consuetudinem illius patrie et aliarum circumiacentium dicebatur, prout adhuc dicitur, esse studium generale propter magnam studencium multitudinem, qui ad prefatum locum plus quam ad aliquem alium locum tocius Alamannie confluere consueverunt, et eciam ex eo, quia ibidem sunt et fuerunt quatuor scole principales, in quibus philosophia tam naturalis quam moralis cum aliis libris arcium copiose legebatur, quarum scolarum superiorum prefatus Henricus rector existebat, licet ibidem non fuerit nec adhuc sit universitas privilegiata.'

The foundation of Prague and Vienna naturally inspired in the students and citizens of so ancient and distinguished a Studium a desire for University privileges. A Bull of foundation was granted by Clement VII in Sept. 1379[1]. But no important change seems to have immediately taken place in consequence of the new charter. The first Rector was not elected till 1392, after the foundation of two more German Universities at Heidelberg and Cologne[2]. Meanwhile, the city had been transferred to the obedience of the Roman Pontiff. A new Bull was accordingly, in 1389, procured from Urban VI, which naturally took no cognizance whatever of the previous charter from the Avignon Antipope[3]. As a matter of fact, however, the University appears to have dated its own existence from the earlier Bull; for the provisions of the former as to the grant of the Licence were still enforced, and the change introduced by the latter entirely ignored. Urban VI had assigned the right of promotion to the Dean of the Collegiate Church of S. Mary's in Mainz; while as a matter of fact the Archbishop of Mainz retained the rights of Chancellor in accordance with the provisions of the Clementine Bull.

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Bull of Clement VII, 1379.

Not executed till 1392.

Bull of Urban VI, 1389.

The University of Erfurt is the first University of the Parisian type in whose constitution the four Nations disappear altogether[4]. The place of the Proctors is to some extent taken by the two *Consiliarii* from each Faculty[5]. The Rector may be chosen from any Faculty; and, in consequence, the Faculty of Arts naturally has a Dean as well as the other three. As at Prague and at Vienna, the University or rather the higher Faculties were endowed by

Constitution: no Nations.

[1] Motschmann, I. 18; Weissenborn, *Acten*, I. p. 2: 'Ut in eodem oppido de cetero sit studium generale ... in grammatica, logica, et philosophia nec non in juribus canonico et civili et etiam in medicina et qualibet alia licita facultate.' The order in which the Faculties are mentioned is, Denifle tells us, unique, and points to the pre-existing Schools of Philosophy.

[2] *Acten*, I. p. 36.

[3] *Acten*, I. p. 3. Father Denifle places the University after Heidelberg and Cologne, though it is elsewhere his practice to date a University from the issue of the first Bull of foundation, even if it remained long unexecuted.

[4] *Acten*, II. p. 2.

[5] *Ib.* I. p. 17.

CHAP. IX, § 3. Jurisdiction.

the annexation of prebends in the Churches of S. Severus and S. Mary's in Erfurt [1] to Professorial chairs—a method which became universal in German Universities. The judicial power over scholars was divided—probably very much on the Parisian lines—between the Ordinary, the Rector, and the Apostolic Conservators; but the Rector could cite a townsman, as he could not at Paris, for an offence against a scholar, and the scholar's right to be tried by his own Master is to some extent recognized [2]. It is not always possible to define the exact limits of the Rectorial jurisdiction in German Universities; but speaking generally, we may say that the judicial powers of the Rector made some nearer approach to those of the Oxford Chancellor than was the case with the Parisian Rector. He did not always, however, possess direct spiritual jurisdiction.

Colleges.

The earliest College, the Collegium majus, for Masters of Arts perhaps dates from the earliest days of the Studium [3]; the Collegium Amplonianum or Porta Cæli, for Jurists, was founded by the ex-Rector Amplonius Ratingk in 1433 [4].

Growth.

In the first year of its real existence as a Studium Generale 523 persons matriculated at Erfurt [5]. The matriculations show that the academic population must have been usually considerably above that number in the succeeding years. In 1409 the influence of the German exodus from Prague is just traceable [6]; but after that the numbers fall off, no doubt owing to the competition of Leipsic. The period of the greatest prosperity and importance of Erfurt was not reached till the middle of the fifteenth century, when it was the scene of the teaching and studies of one of the most distinguished precursors of the Reformation—John of Wesel [7]. It was thus perhaps something more than an accident that Erfurt was the University of

[1] *Acten*, I. p. 25.
[2] *Ib.* I. pp. 12, 21, 28.
[3] *Ib.* II. p. 8.
[4] *Ib.* I. p. 43. On Ratingk, cf. the Vorwort to Schum, *Beschreibendes Verzeichniss d. Amplonianischen Handschriften-Sammlung zu Erf.* Berlin, 1887.
[5] *Acten*, I. p. 42.
[6] There were 369 matriculations as compared with 278 in the preceding year.
[7] Kampschulte, I. p. 17.

Martin Luther. It is melancholy to notice that the University of the great Reformer's younger days should have been destroyed by the government of a Protestant country in 1816.

§ 4. HEIDELBERG (1385).

PAREUS, *Historia de Academia Heidelbergensi*, and other old writers who touch on the history of the University, are mentioned by WUND, *Beiträge zu der Geschichte d. Heidelberger Universität*, Mannheim, 1786. HAUTZ, *Geschichte der Universität Heidelberg* (Mannheim, 1862), which supersedes his *Zur Geschichte der Univ. Heid.* (Heidelberg, 1852), is the most important modern work, containing the Statutes and some other documents. More recently, a fuller and very careful study of the earliest period is supplied by THORBECKE, *Die älteste Zeit der Universität Heidelberg 1386–1449* (Heidelberg, 1886), and a full collection of documents has been edited by WINKELMANN, *Urkundenbuch der Universität Heidelberg* (Heidelberg, 1886). TOEPKE has printed the Matriculation-book from the foundation to 1662 (*Die Matrikel d. Univ. Heidelberg*, Heidelberg, 1884–93)—a most important contribution to University history. The following may also be mentioned: HAUTZ, *Geschichte der Neckarschule in Heidelberg*, Heidelberg, 1849; STOCKER, *Die theologische Fakultät in Heidelberg, 1386–1886*, Heilbronn, 1886; KUNO FISCHER, *Die Schicksale d. Univ. Heid.*, Heidelberg, 1888; HAUTZ, *Lycei Heidelbergensis Origines et Progressus* (Heidelbergæ, 1846), which touches on the Colleges or Contubernia of the University, but relates chiefly to later periods.

Growth of Universities in Germany.

When once the University movement was started in Germany, it advanced with rapid steps. As in medieval Spain and modern America the foundation of a University in one State excited the jealousy or ambition of others, and Universities multiplied till every considerable Principality had one of its own. Thus the growth of a national or provincial spirit in Europe, while it destroyed the brilliant intellectual life of the old cosmopolitan Universities, enormously fostered the spread of ordinary education. The tendency to multiply Universities in Germany gained further strength from the Schism, since the Roman Popes were always ready to grant the necessary bulls as a means of weakening Paris, the great champion of the Avignon Pontiffs. In the case of these minor Universities we must be content with a very brief statement of the main facts regarding their foundation and constitutional structure.

CHAP. IX, § 4.

Foundation of Heidelberg.

The University of Heidelberg was founded by the Palsgrave Rupert I. The Bull of foundation was issued by Urban VI in 1385[1]. In the following year a number of charters of privilege[2] were granted by the Founder. Marsilius of Inghen, an ex-Rector of Paris (one of the strong Urbanists who had left the University), was elected first Rector of Heidelberg, and is often styled in its documents 'Founder' of the University. Lectures were begun by him and two other Masters in October, 1386. Both the Papal and the Electoral Charters declare that the University is to be on the model of Paris, and the constitution is a closer imitation of Paris than Vienna or even Prague. The Bishop of Worms is Judex Ordinarius of scholars (at least if clerks), with a special Official and a prison in Heidelberg[3], though with some restrictions upon his jurisdiction; the Provost of the Cathedral Church of Worms is Chancellor; as at Paris, there is a Faculty of Theology, but none of Civil Law.

Constitution.

A division into Nations is mentioned in the foundation-charter, but it is not clear how far the National organization really came into existence[4]. The Rector was always to be taken from the Faculty of Arts, which apparently voted as one body in the general Congregations[5]. The Rectorship was not thrown open to the other Faculties, as it was from the first in most German Universities, till 1393[6]. The

[1] Hautz, II. p. 313; *Urkundenbuch*, No. 2. That the Founder's intention to found a University dates from 1346, and that an Imperial as well as a Papal authorization was obtained, are traditional theories for which there is no real basis. See Denifle, I. pp. 381, 383. Cf. also Thorbecke, p. 5 *sq.*

[2] Hautz, II. p. 315 *sq.*; *Urkundenbuch*, No. 4 *sq.*

[3] 'Ut Episcopus Wormaciensis Judex ordinarius clericorum studii nostri carceres et officiatum pro criminosorum clericorum detentione in opido nostro Heidelberg habeat.' *Urkundenbuch*, No. 8; Hautz, II. p. 319.

[4] Paulsen (*Hist. Zeits.* 45, p. 389), assumes that it had no real existence. In the older Universities of Germany the Nations retained a formal existence to the present century.

[5] *Urkundenbuch*, No. 17; Hautz, II. p. 345.

[6] *Urkundenbuch*, No. 31. At the same time it was provided that in case of 'dissension' between the Faculties, the matter was to be determined by a smaller Council consisting of one Doctor of each superior Faculty and three delegates

change necessitated the appointment of a Dean of Arts. Few Universities of the Middle Ages, not founded by migration from an existing University, could boast so large a membership in the very year after its foundation. By Oct. 1387, 589 persons had been matriculated, including six Masters of Theology, five Doctors and a Licentiate of Canon Law, three Doctors of Medicine, and thirty-four Masters of Arts[1]. A year later the University was nearly emptied[2] by pestilence, quarrels with the town, and the establishment of a rival University at Cologne. But Heidelberg recovered its ground in the following year, and permanently took its place as one of the most important in Germany.

As in other German Universities, the endowment without which a young University could not long flourish was partly supplied by the foundation of Colleges. The first was the Cistercian Collegium Jacobiticum, erected by Rupert I in 1389[3]. The first secular College, a Collegium Artistarum, was founded by the first Chancellor of the University, Conrad von Geylhausen, in 1390, for twelve teaching Masters 'on the model of the Sorbonne;' which was further endowed by the University's 'second Founder,' Count Rupert II, in 1391, with 3000 gulden. It was established in the confiscated houses of Jews[4]. The Contubernium Dionysianum[5] was founded by Gerlach von Homburg, Master of the Schools of S. Stephen's at Mainz, as a house for poor scholars, in 1396. A further

Colleges and other endowments.

of the Faculty of Arts. Later (1437) we find a sort of inner Council of 'Seniores Magistri' in the Faculty of Arts. *Urkundenbuch*, No. 97.

[1] *Matrikel*, pp. 1–24.

[2] Doc. in Hautz, II. p. 359, and *Matrikel*, I. p. 34.

[3] Hautz, I. p. 184 *sq.*; *Urkundenbuch*, No. 27.

[4] Hautz, I. p. 188; *Urkundenbuch*, Nos. 28–30. The Jewish School was turned into S. Mary's Chapel, used as a University Chapel and for meetings of Congregation.

[5] Hautz, II. 362 *sq.* The method of nomination to this College was remarkable. Vacancies were to be filled by the *Rectores bursarum* (principals of Halls) and the *Rector scholarium sive bachantrie*, who seems to have been an unauthorized Rector elected by the students. (See the Stat. in Hautz, II. p. 371.) No doubt such offices existed in other Master-universities where we do not hear of them.

CHAP. IX, § 4. endowment was supplied, under Rupert II and Rupert III, (according to the example already set at Prague and Vienna) in 1398, by the appropriation of twelve prebends at Spires, Worms, and elsewhere for University Masters[1]. In 1400 the Collegiate Churches of S. Peter and of the Holy Ghost in Heidelberg and other benefices were also impropriated for the use of the University[2]. A valuable Library was bequeathed to the University by Count Lewis III, who died in 1436[3].

The two 'viæ.'

The University, treading in the footsteps of its first great teacher, Marsilius, was originally entirely Nominalistic. In 1412 we find a prohibition not merely of the 'perverse and condemned doctrines' of Wycliffe, but of all Realistic teaching[4]. After the Council of Constance, however, we find symptoms of the realistic reaction which was everywhere in progress. In 1452 there is a Rectorial injunction against members of the 'via modernorum' using contumelious words against the 'via antiquorum' and its books, or *vice versa*, and a prohibition against trying to prevent scholars attending the lectures or disputations of any particular Master[5]. A few years later (1455) it becomes evident that the Faculty of Arts is regularly divided into two 'viæ'—so much so that it is necessary to make a Statute ensuring to the scholar freedom to pass from one to the other, though with the restriction that he must have heard all the books required for the 'via' in which he wishes to be promoted[6]. There were a separate set of Lecturers and of Examiners for each 'via'[7]. The division in the magisterial body naturally led to the erection of separate 'Bursæ' or Halls for Nominalists and Realists[8]. A Bursa for Jurists was founded by Count Philip in 1498[9].

[1] *Urkundenbuch*, No. 46.

[2] *Ib.* No. 50 *sq.*

[3] *Ib.* No. 98.

[4] 'Quod nullus magistrorum aut baccalarius dogmatiset aut dogmatisare presumat perversa condempnataque dogmata Wyckleff eciam universalia realia, verum pocius contraria.' *Urkundenbuch*, No. 70. It should be observed, however, that this emanates from the Theological Faculty only.

[5] *Urkundenbuch*, No. 110.

[6] *Ib.* No. 114.

[7] *Ib.* Nos. 135, 138.

[8] *Ib.* No. 176.

[9] *Ib.* No. 145.

§ 5. COLOGNE (1388).

CHAP. IX, § 5.

[HARTZHEIM], *Prodromus Historiæ Coloniensis*, Coloniæ Augustæ Agrippinensium, 1739. ENNEN, *Geschichte d. Stadt Köln*, T. III. (Köln, 1869), p. 833 *sq.* BIANCO, *Die alte Universität Köln*, Köln, 1855; which supersedes an earlier *Versuch einer Geschichte der ehemaligen Universität u. d. Gymnasien d. Stadt Köln* (Köln, 1833); Bianco prints the Statutes and some documents. KEUSSEN is producing an elaborate and scholarly edition of *Die Matrikel der Universität Köln, 1389 bis 1559* (T. I. to 1466: Bonn, 1892). A few additional documents appear in ENNEN, *Quellen zur Gesch. d. Stadt Köln*, T. V, VI. Köln, 1875, 1879.

Ancient Schools.

Cologne appears from very early times to have boasted Schools of some repute. In countries which possessed no Universities of their own the old Church-schools naturally retained an importance which was elsewhere lost after the full development of the Universities in the thirteenth century. The most important of these in Cologne was of course the Cathedral School under its *Magister Scholarum*. As the most prominent and central of the educational and ecclesiastical centres of Germany, Cologne was selected by the Dominicans as the chief Studium of their Order in that country—a Studium made illustrious by the teaching of Albert the Great and Thomas Aquinas. Here too, in the convent of the rival order, taught and died their great opponent Duns Scotus[1]. But it is a mistake to regard the University as a mere outgrowth or incorporation of these early schools, whether secular or regular. No graduations took place here before the foundation of a University. Like so many of the Italian Universities, but unlike the three earlier Universities of Germany which were created by Princes, the great commercial city of Cologne owed its University to the public spirit of its own Municipality, which in 1388 procured a Bull from Urban VI erecting a University on the model of Paris and conferring the right of promotion upon the Provost of the Cathedral[2].

University founded by Municipality, 1388.

[1] Ennen, *Gesch.* III. p. 836.

[2] Printed in Bianco, I. *Anl.* p. 1. The University afterwards obtained privileges, conferring protection on journeys and exemption from tolls, &c., from the Duke of Guelders (1396), and the Emperor Frederick III (1442): *ib. Anl.* p. 3 *sq.*

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The Studium opened at the beginning of the following year with twenty-one Masters, *i.e.* one D.D., two *Baccalarei formati* of Theology, a Master and a Licentiate of Medicine, and a Bachelor of Laws, the rest being Masters of Arts[1]. Most of the teachers were graduates of Paris, Prague, Vienna, or Heidelberg. A large proportion of the students no doubt came from the same Universities. An endowment was gradually provided for the University by the annexation of prebends[2] to academic chairs, and, in respect of the chairs of Law and Medicine, by the Town Council[3]. The pecuniary affairs of the Studium and the appointment of the salaried Professors rested jointly with the Rector and the Municipal *Provisores*[4]. The constitution of the University was the Parisian Constitution modified by the admission of Masters in all Faculties to the Rectorship[5], by the admission of Non-Regents to electoral power[6], by the introduction of a Dean of Arts[7] and by the total suppression of the Nation-organization[8]. We have seen that in the earlier Germanic reproductions of Paris, the importance of the Nations and the Proctorships were increasingly diminished. At Cologne for the first time they disappear altogether[9].

Constitution.

Jurisdiction.

The jurisdiction over members of the University belonged in minor cases to the Rector, in more serious ones to the Rector and Deans, and in the last resort to the University itself[10]. For the exercise of spiritual jurisdiction, however, the University had to appeal to the Apostolic Conservators[11].

[1] Doc. in Bianco, I. p. 87. Denifle, I. p. 396. The Licentiate and the two Bachelors were also M.A.'s.

[2] Docs. in Bianco, I. *Anl.* p. 126 *sq.*

[3] Ennen, *Gesch.* III. p. 869: Ennen, *Quellen*, VI. No. 185.

[4] Bianco, I. *Anl.* p. 125.

[5] Bianco, I. p. 147.

[6] *Ib. Anl.* p. 59. Bachelors in the higher Faculties were to be admitted till they possessed a sufficient number of Doctors. (*Ib.* p. 17.)

[7] *Ib. Anl.* p. 60.

[8] Bianco, I. p. 83.

[9] Their *de facto* existence at Heidelberg is somewhat doubtful. See above, p. 248.

[10] Ennen, *Gesch.* III. p. 864. The extent of this jurisdiction, however, does not clearly appear from the published documents; but it seems to have been more than merely disciplinary.

[11] Bianco, I. *Anl.* p. 119.

The *Bursa Coronarum* or *Collegium Hervordianum* was founded for a Rector and twelve poor students in 1430, and a few other foundations of Colleges or endowed Bursæ followed [1]. CHAP. IX, § 6. Colleges.

In the first three Rectorships of the University's actual existence (Jan. 9, 1389–Jan. 7, 1390) there were 738 matriculations, the numbers being swelled by the misfortunes which had overtaken Heidelberg a year after its prosperous inauguration. At this time there were twenty-one Masters [2]. The recovery of Heidelberg would seem to have injured its rival, since from 1391 the matriculations begin to fall off. After the beginning of the fifteenth century, the numbers on the whole slowly increase, amid astonishingly violent fluctuations, till in 1461–65 the total is 1348 [3]. Numbers.

§ 6. WÜRZBURG (1402).

BÖNICKE, *Grundriss einer Geschichte von der Universität zu Wirzburg* (Wirzburg, 1782) is superseded by the fuller work by WEGELE, *Geschichte der Universität zu Wirzburg* (Wirzburg, 1882), who prints the few medieval documents.

The idea of founding a University in the ecclesiastical principality of Würzburg originated with the Bishop Gerhard of Schwarzburg, who, however, died in 1400 without having accomplished his design [4]. The scheme was carried out by his successor, John of Egloffstein, who, in 1402, obtained a Bull for all Faculties from Boniface IX, conferring the privileges of Bologna and the *jus ubique docendi* [4]. The Bishop became Chancellor, and in 1406 the Bishop of Augsburg, the Dean of Mainz, and the Dean of the Collegiate Church of Haug outside the walls of Würzburg were named Conservators Apostolic [5]. At that date it appears that the University had some formal, though possibly only a formal, existence [6]. The Founder's Charter

[1] Ennen (*Gesch.* III. p. 859 *sq.*) mentions a *Collegium Ruremundanum* and other 'domus' or 'bursæ'; but it is not clear how many of them were really Colleges.

[2] Keussen, I. pp. 1–45.

[3] *Ib.* p. lxxix. There are, however, indications that the matriculations were at times not properly entered.

[4] Wegele, I. p. 10 *sq.*; II. p. 4.

[5] *Ib.* II. p. 6.

[6] The Papal Bull speaks of a peti-

CHAP. IX, § 6.

of Privileges was not issued till 1410[1]. Spiritual and temporal jurisdiction over students was conferred on the Rector with a right of appeal to the University: only if both Rector and University failed to do justice could they be cited before the ordinary tribunals. The endowment was supplied by the assignment to the University of a *collecta* due from the clergy of the diocese to the Bishop. The death of the Founder in 1411 was followed in November, 1413, by the murder of the Rector[2], and the outrage was followed by a total dispersion of the Masters and scholars. The Bishops, becoming involved in the Hussite wars, had no leisure to bestow upon the revival of the University, which seems to have been practically suspended till 1554[3].

§ 7. LEIPSIC (1409).

A magnificent collection of materials exists in STÜBEL, *Urkundenbuch der Univ. Leipzig* (*Codex Diplomaticus Saxoniæ*, pt. ii. vol. xi.), Leipzig, 1879, and ZARNCKE, *Die Statutenbücher der Univ. Leipzig*, Leipzig, 1861, and *Acta Rectorum Univ. Lipsiensis*, Lipsiæ, 1858. There are short sketches of the University's history by KREUSSLER (*Gesch. d. Univ. Leipzig*, Dessau, 1810), GRETSCHEL (*Die Univ. Leipzig*, Dresden, 1830), and GERSDORF (*Die Univ. Leipzig im ersten Jahre* in *Berichten der deutschen Gesellschaft*, Leipzig, 1847). The following may also be mentioned:—*Collegium Beatæ Mariæ Virginis in Univ. Lips.* Leipzig, 1859; ZARNCKE, *Causa Nicolai Winter, Ein Bagatellprocess bei d. Univ. Leipzig*, Leipzig, 1890; BRIEGER, *Die theologischen Promotionen auf der Universität Leipzig, 1428–1539*, Leipzig, 1893.

Founded by Prague migration, 1409.

The story of the great Prague migration of 1409 has already been told. Some of the students no doubt transferred themselves to the already existing Universities of Germany. A body of over forty Masters and some 400 Bachelors and students accepted the invitation of Frederick and William, Landgraves of Thuringia, to establish a University in Leipsic[4]. The rapidity with which the scheme was

tion from the Rector and University. It is true that this may be a mere 'common form.'

[1] Wegele, II. p. 8.

[2] *Ib.* I. p. 19 *sq.*

[3] *Ib.* II. p. 22.

[4] *Urkundenbuch*, p. 3; Gersdorf, p. 25 *sq.*, where the names are given. The list of students is the list of those who matriculated in December. By the end of the first year 602 students had been matriculated.

carried into execution is remarkable. The Foundation-bull of Alexander V is dated Pisa, September 9, 1409[1]. A Dean of the Philosophical Faculty was elected, and lectures no doubt began, in October: though the formal opening of the Studium and the election of a Rector were deferred till the beginning of December[2]. The first meetings of the University are said to have been held in the ancient building still used for examinations in the Faculty of Philosophy. The Bishop of Merseburg became Chancellor and chief Conservator Apostolic; but the degrees were usually conferred (as, indeed, was very generally the case in many Universities) by a Vice-Chancellor[3]. Spiritual jurisdiction over students who were clerks was delegated to the Rector by the Bishop[4]. CHAP. IX, § 7.

To supply the place of the Carolinum of Prague, the Masters of Arts were from the first lodged by the Landgraves in two houses known as the Collegium majus and the Collegium minus, which served both as places of residence for themselves and their pupils and as lecture-rooms[5]. Soon afterwards the Faculties of Theology and Canon Law were endowed with prebends in various Churches[6]. Colleges and endowments.

In some points the constitution of Leipsic naturally differs from that of the other North-German Universities which we have been hitherto considering, and follows the example of its Mother-University of Prague. It was Constitution.

[1] *Urkundenbuch*, p. 1.

[2] Gersdorf, pp. 25, 35.

[3] *Urkundenbuch*, p. 5.

[4] *Urkundenbuch*, p. 18. It was often renewed (*Acta Rectorum*, p. 15). But in the *Causa Nicolai Winter* we find the Rector obliged to apply to the Bishop for the enforcement of his sentence by ecclesiastical censure.

[5] *Urkundenbuch*, p. 4; *Statutenbücher*, p. 96. In S. Mary's College in the same University (founded 1416) the 'Bursa' of the Boarders or Pensioners seems to be distinguished from the 'Collegium' of the Masters (*ib.* p. 277). After the Reformation, Leipsic seems to have been troubled by the 'married don' difficulty. It is interesting to see how it was met. A Statute of 1565 recites that, though celibacy is required by the existing Statutes, 'domo sua aliquem necessitate promissionis iuratæ abstrahere, noctu præsertim, inhumanum sit . . . propterea quod plerique iam coniuges sint, et accidere possit, ut brevi fiant universi,' a kind of academic caretaker ('Curator') is appointed to live in College, to maintain discipline and superintend the 'seriotinarum disputationum exercitationes' (*ib.* p. 216).

[6] *Urkundenbuch*, pp. 9, 19.

CHAP. IX, § 7.

divided into four Nations—(1) the Polish, (2) the Misnian, (3) the Saxon, (4) the Bavarian[1]; and the Nations possessed rather more individuality than they enjoyed in other German Universities, since they had separate Statutes, Congregations, and Consiliarii (but no Proctors) of their own[2]. The Rector is not necessarily a Master[3]; and the Faculty of Arts has a Dean as well as the superior Faculties[4]. Only Masters, however, sit in the Congregations of the University or of the separate Nations, which include Masters of all Faculties[5]. In the German Universities we have noticed many indications of the growing tendency to transform the ever-changing Regents of the old Parisian system into a permanent Professoriate. The tendency was promoted by the Colleges and other endowments for Masters which tended to establish a class distinction between the University teacher and the mere graduate. Another instance of this tendency meets us at Leipsic, where in the Faculty of Arts the chief power seems lodged with a Council composed of the senior members of the Faculty, whose numbers were gradually reduced[6].

§ 8. ROSTOCK (1419).

I am chiefly dependent on KRABBE, *Die Universität Rostock*, Rostock u. Schwerin, 1854. The Statutes are printed in WESTPHALEN, *Monumenta inedita Rerum Germanicarum*, IV. Lipsiæ, 1745. *Die Matrikel der Universität Rostock* has recently been edited by HOFMEISTER (Rostock, 1889, &c.). I have not seen an article by KOPPMANN, *Zur Gesch. Rostocks*, in *Rostocker Zeitung*, 1885, a programme by KRAUSE, Rostock, 1875, or LASIUS, *Historiæ exiliorum in quæ Acad. Rostock saec. XV. missa pulsaque fuit*, Rostockii, 1792a.

Foundation.

In the fifteenth century Rostock was one of the most flourishing of the semi-independent Hanse towns. Its University was founded by the co-operation of John III and Albert V, then Dukes of Mecklenburg, with the City Municipality. The Dukes granted the requisite Charters:

[1] *Urkundenbuch*, p. 92.
[2] *Statutenbücher*, p. 158 *sq.* The voting in the Faculty of Arts was not by Nations (*ib.* pp. 374, 382).
[3] *Ib.* p. 48.
[4] *Ib.* p. 306.
[5] *Ib.* p. 167.
[6] *Ib.* pp. 345, 368, 377, 385.

the City supplied an endowment of 800 florins annually[1]. Hitherto many of the students from the Baltic countries had been accustomed to study at Prague: and Rostock must no doubt be reckoned among the Universities which indirectly owe their origin to the great secession of the Germans from Prague in 1409. In 1419 a Papal Bull was issued sanctioning the erection of a University in all Faculties except Theology if the requisite arrangements for its endowment should be made[2]. The Bishop of Schwerin was made Chancellor[3]. The first Masters came from Erfurt and Leipsic, and 160 students were matriculated within the first half-year of the University's existence[4]. In imitation of Leipsic the Masters of Arts were from the first established in two Colleges, the Collegium majus and the Collegium minus[5]. Martin V viewed all University Faculties of Theology with disfavour: for Doctors of Divinity meant Councils, and Martin V was not likely to forget that Councils could make and unmake Popes. Accordingly the efforts made, not only by Rostock but by other Hanse towns, to acquire a Faculty of Theology proved fruitless till the accession of Eugenius IV, who granted a Bull for the purpose in 1431[6].

[1] Krabbe, I. pp. 31, 32; Krantz, *Wandalia*, Coloniæ, 1518, L. x. c. 30.

[2] The Rector does not appear to have enjoyed any very extensive judicial powers till 1468, when he received jurisdiction from the Bishop. Krabbe, I. p. 152.

[3] *Ib.* p. 37.

[4] *Ib.* pp. 47, 48.

[5] Kosegarten, *Die Univ. Greifswald*, I. p. 55.

[6] Krabbe, I. pp. 54–6, 61. For the migration of the University to Greifswald in 1437–1443, see below, p. 264. From 1487 to 1488 the University was similarly transferred, by Papal authority, to Lübeck. (Krabbe, I. pp. 202–207.) The dispute arose out of a fusion of certain parish churches into the Collegiate Church of S. James by the Bishop and Grand Duke for the benefit of the University in 1485—an arrangement which was resented by the citizens. Popular feeling ran so high against the Chapter that the new Provost was beaten to death with clubs and thrown into the river. (Krabbe, I. p. 197 *sq.*; Krantz, L. xiv. c. 6 *sq.*). Later on, we still find the citizens complaining of the connexion between the Collegiate Church and the University as fatal to the interests of the latter. It is interesting to notice some of the reasons alleged against it: 'Quia omnes civitates stagnales proclamant Universitatem perire propter collegium ... Per dominos universitatis canonicos fiunt lectiones negligentius ... Distrahuntur concordie per

CHAP. IX, § 8

No Nations.

The national sub-divisions of Paris and Bologna were clearly out of place in a merely provincial University; and by this time the German Universities were becoming essentially provincial. Leipsic was founded by students from three distinct Nations of Prague; here the national distinctions were naturally perpetuated. But Leipsic was almost the last German University in which this part of the old Parisian system was reproduced. There is no trace of Nations at Rostock or any of the subsequently founded Universities of Germany except Louvain[1].

The 'Promotor.'

The only constitutional innovation which calls for special notice at Rostock is the introduction of a new official, or the glorification of an old one, under the style of the 'Promotor et Superintendens' of the University. The name 'Promotor Universitatis' is occasionally applied at Paris to the University Advocate or Syndic[2]: but there he never seems to have acquired the prominence and importance of his analogue at Rostock and elsewhere in Germany, where he becomes a sort of public prosecutor or executive officer of the University entrusted with the enforcement of the Statutes, even when an offence was committed by the Rector himself[3]. He becomes in fact a sort of permanent and acting representative of the merely honorary, often very youthful, and ever-changing Rector of those days. In other respects the constitution was closely modelled on Leipsic.

Numbers

The University Matriculation-book shows 160 matricula-

diversos diverse sortis dominos et generantur periculosa suspicia. Diversa sunt canonicorum et dominorum de Universitate officia. Illi cantabunt, hi docebunt et studebunt' (Krabbe, p. 219). Similar arrangements in more modern times have been attended with results not wholly dissimilar.

[1] In the case of some I speak from incomplete data, but their existence is improbable. As to Ingolstadt, see below, p. 271.

[2] See above, vol. I. p. 414.

[3] Krabbe, I. p. 88; Westphalen, IV. c. 1020. So at Louvain: cf. Lipsius, *Lovanium*, p. 96. In the *Jura et Privilegia Acad. Lovan.* (p. 12) he is described as the *Oculus Rectoris*. At Louvain we hear that he 'vicos Urbis perambulat, aliquando solus, nonnunquam cum urbano Prætore. Suos habet Satellites,' &c. (Vernulæus, *Acad. Lovan.* p. 38)—one of the few traces of such Proctorial perambulations which I have met with in continental Universities.

tions between November 1419 and April 1420: between that time and October, 226; in the following half year, 101. After this the matriculations for the semester are usually between 50 and 100. After a migration to Greifswald, which came to an end in 1443, the total number of members of the University appears to have been 278. The average numbers remain much the same till the close of our period, with the exception of a slight increase from about 1470–1477 and a great depletion between the years 1487 and 1490, during part of which the University was transferred to Lübeck[1].

§ 9. LOUVAIN (1425).

There is a meagre account of the University by LIPSIUS, *Lovanium* (Antwerpiæ, 1605, p. 90 *sq.*), and a still more meagre one in GRAMMAYE, *Antiquitates Brabantiæ* (Lovanii, 1708, p. 20 *sq.*). There are two histories of the old type: VALERIUS ANDREAS, *Fasti Academici studii generalis Lovaniensis* (Lovanii, 1635; ed. 2, 1650), and VERNULÆUS, *Academia Lovaniensis* (Lovanii, 1667), of which the latter is the more valuable. The *Privilegia Academiæ Lovaniensis* (Lovanii, 1728), and *Jura et Privilegia Academiæ Lovaniensis* (Argentorati, 1787) are of little use. The *Statuts primitifs de la Faculté des Arts de Louvain* have been edited by DE REUSSENS in *Bulletins de la Commission royale d'histoire*, 3me Sér. T. IX., and the *Anciens Statuts de la Faculté de Médecine*, by DE RAM (*ib.* T. V.), who has also published *Considérations sur l'histoire de l'Université*, in *Bulletins de l'Acad. de Belgique*, T. XXI. 1859, and edited a series (continued by NAMÈCHE) of *Analectes pour servir à l'histoire de l'Un. de Louvain* (Louvain, 1850–80), which, however, contain hardly anything relating to our period. The Statutes of the University are printed by the same Editor in his Ed. of MOLANUS, *Historiæ Lovaniensium* (Com. royale d'histoire: Bruxelles, 1861). The Statutes of the Colleges are printed in the *Analectes pour servir à l'histoire ecclésiastique de la Belgique*; Sér. 2, T. XVII, &c., and *Documents relatifs à l'Hist. de l'Univ. de Louvain*, ed. DE REUSSENS (Louvain, 1881, &c). See also NAMÈCHE, *Jean IV et la fondation de l'Université de Louvain*, Louvain, 1891.

Decline of Louvain.

In the fifteenth century Louvain had lost most of its old commercial prestige. The violence of its civic factions—culminating in the horrible massacre of seventy patricians in 1378—had led to a large migration of weavers to England, a blow to its commercial prosperity from which it never fully recovered. Its University was erected, as was so often the case in Italy, in part at least as an expedient

[1] *Matrikel*, pp. xxii. *sq.*, 1 *sq.* See above, p. 257, n. 6.

CHAP. IX, § 9.

for reviving a declining town[1]. In 1425[2] a Bull was obtained from Martin V for a University of all Faculties with the exception (as in the case of Rostock) of Theology: as with Rostock too the deficiency was supplied by the next Pope, Eugenius IV (1431)[3]. The University was actually opened in 1426[4]. Its Founder was the territorial Sovereign, John IV, Duke of Brabant, and the leading part in the promotion of the scheme was taken by his Councillor Engelbert, Count of Nassau. The Chancellor was the Provost of the Collegiate Church of S. Peter. It was one of the conditions upon which the Bull of erection was granted that the Duke should confer upon the Rector full criminal and civil jurisdiction over scholars; and this condition was immediately complied with. The Rector's jurisdiction extended to all cases except those which fell to the Apostolic Conservators[5], who were the Archbishop of Trèves, the Abbot of Tongerloo, and the Dean of S. Peter's at Louvain.

Foundation of University.

Jurisdiction of Rector.

Constitution.

The constitution of the University seems to be partly copied direct from Paris, partly from the modification of the Parisian constitution presented by the earlier German Universities[6]. All the Doctors or Masters appear at first to have had seats in the governing body of the University. The Faculty of Arts alone was divided into Nations, each of which had a Proctor, (1) Brabant, (2) the Walloon country, (3) Flanders, (4) Holland[7]; but the Rector was taken from the four Faculties in turn, the Faculty of Civil Law counting as a distinct Faculty; and the voting was by Faculties[8]. The Nations were, however, of little import-

[1] Lipsius, p. 91.

[2] Molanus, I. p. 455.

[3] Molanus, I. p. 499.

[4] *Statuts*, p. 19.

[5] Molanus, I. p. 459 *sq.*, 495; II. p. 896 *sq.*; Vernulæus, p. 28 *sq.*

[6] Gölnitz (*Ulysses Belgico-Gallicus*, p. 96), describes the University as 'e Coloniensi nata,' but I see no particular evidence of this.

[7] *Statuts*, p. 47; Andreas, ed. 1650, p. 240; Vernulæus, p. 57. The Dean of the Faculty is sometimes called in the Statutes 'Procurator Facultatis Artium.' There are allusions to a 'Consilium Facultatis Artium,' but its composition is not clear.

[8] I infer this from the sixteenth-century Statutes. At a later time the government was monopolized by a Senate consisting of the Rector,

ance. At first the teaching was left (it would appear) as at Paris to any Regents who chose to lecture: but after 1446 teaching in the Faculty of Arts was confined to four Pædagogia, except in Ethics and Rhetoric, for which there were University Professors[1]. These Professorships and those of the superior Faculties were in 1443 provided for by the annexation of stalls in the Collegiate Church of S. Peter and of various Parochial Churches, the nomination to them being bestowed upon the Burgomasters and Consuls of the City[2]. The high prestige which the University had attained by the end of the century, when it was perhaps the most famous place of education in Europe, goes far to justify a municipal or at least a governmental system of University patronage.

Colleges and Pædagogies.

The College of the Holy Ghost was founded by a Flemish Knight, Louis de Rycke, in 1442, for seven students of Theology, and rapidly grew through later benefactions[3]. For law-students the College of S. Ivo was founded by Robert Van den Poele (*de Lacu*), a Doctor of both Laws, in 1483; the College of S. Donatian by Doctor Antonius Hanneron in 1488; and the Confraternity of the 'innocent boys of S. Peter' by Henry de Houterle in 1496; while for the last decade of the fifteenth century Louvain was the abode of the famous Jean Standonck, who left behind him a 'domus pauperum,' organized on the rigid and ascetic principles which he had applied to his College of Montaigu at Paris. The College of Malines for Artists was founded by Arnold Trot, Bedel of Theology, in 1500. The four Pædagogia, (1) Lilii, (2) Falconis, (3) Castri, (4) Porci, which (unlike the Colleges proper) were under the direct management of the Faculty of Arts, also began to receive various small endowments towards the end of the century. But the most famous College at Louvain

Deans, salaried Professors, and Heads of Colleges. Vernulæus, p. 10.

[1] Vernulæus, pp. 63, 64; Molanus, II. 942.

[2] Molanus, I. pp. 109, 587, &c.

[3] De Ram, *Analectes*, I. p. 56 *sq.* For the Colleges generally, see Molanus, I. p. 622 *sq.*, Namèche, *Jean IV et l'Un. de L.*, p. 141 *sq.* The latter cites no authorities, and mentions several Colleges without dates.

CHAP. IX, § 9. was the Collegium Trilingue[1], founded, *circa* 1517, by Hieronymus Buslidius for the study of Greek, Latin, and Hebrew, which confirmed the position which Louvain had already won as one of the earliest and for a time by far the most famous home of the New Learning in Europe.

Survival of Colleges. Louvain retained the character of a federation of many Colleges until the Reformation: and even in the revived Roman Catholic University of Louvain a nearer approach to the College life of Oxford and Cambridge may be found than is to be met with elsewhere on the continent of Europe: while Louvain preserves or has revived the full graduation ceremonial which has disappeared everywhere else north of the Pyrenees[2]. In another respect Louvain

Competitive Examinations. reminds us of an English University. Here was established, as early as the year 1441, a much nearer approach to our English system of competitive honours than is perhaps to be found at the present day upon the continent of Europe. The candidates for the Mastership were after examination placed in three classes, in each of which the names were arranged in order of merit. The first class were styled *Rigorosi* (Honour-men), the second *Transibiles* (Pass-men), the third *Gratiosi* (Charity-passes), while a fourth class, not publicly announced, contained the names of those who could not be passed on any terms[3]. These

[1] There is an elaborate history of this College by Félix Nève, in the *Mémoires couronnés* of the *Académie royale de Belgique* T. XXVIII. 1856.

[2] A full account of these ceremonies is given in *Documents relatifs à l'érection et à l'organisation de l'Université catholique de Louvain* (Bruxelles, 1844), p. 134 *sq.*

[3] 'Ita est, si aliqui reperiantur rigorosi, sint de primo ordine, transibiles de secundo, si gratiosi, capaces tamen gracie, sint de tertio; si autem (quod absit) aliqui inveniantur simpliciter gratiosi seu refutabiles, erunt de quarto ordine' (*Statuts*, p. 55). It is noticeable that rivalry between the Colleges called for a statutable provision 'quod . . . non respiciunt ad conditiones domorum seu pedagogiorum' (*ib.* cf. p. 59). At a later time it would appear that the division into classes was done by the Professors *before* the Examination, and the competition was only for places in the class. An interesting account of the Examinations is given (from Vernulæus, p. 60 *sq.*) in Sir W. Hamilton's *Discussions* (London, 1852), pp. 407-8, and App. III (B). Hamilton was at one time inclined to trace the origin of the Cambridge tripos to the Louvain Examination, but the suggestion was afterwards withdrawn (*ib.* p. 418). The Examinations certainly seem to

competitive examinations contributed largely to raise Louvain to the high position as a place of learning and education which it attained before the Universities elsewhere were roused from their fifteenth-century torpor by the revival of Learning. Pope Adrian VI and (at a later date) Jansen were among the many celebrated men who attained the position of *Primus* in the Louvain examinations[1]. The intolerant Realism which prevailed in the University prepared it for its rôle as the chief stronghold of Anti-reformation learning later in the sixteenth century[2].

Realism and Conservatism.

§ 10. TRÈVES (1454, 1473).

BROWERUS ET MASSENIUS, *Antiquitatum et Annalium Trevirensium libri XXV*, Leodii, 1670, II. pp. 288 *sq.* MARX, *Geschichte des Erzstifts Trier*, Trier, 1858, II. p. 454 *sq.*

Kaufmann[3] claims the position of Studium Generale for Trèves in the twelfth or thirteenth century, on the ground that a student song contains the apostrophe 'Urbs salve regia, Trevir, urbs urbium.' 'Urbs regia' is, he contends, used in allusion to the theory that the teaching of Law was confined to 'civitates regiæ' by the Constitution *Omnem*[4]. It is impossible to say that the Schools of this

No ancient Studium Generale.

have kept up the studious character of the place, if not its intellectual eminence, at a time when Oxford had sunk into absolute lethargy; in 1787 the author of the *Jura et Privilegia* (p. 20) declares 'Nullus hic locus otio, soli studio duodecim fere horas quotidie impendunt, reliquas aut pietati aut modicæ relaxationi animi' (!).

[1] A list is given in Vernulæus, p. 110 *sq.* Molanus quotes the testimony of Erasmus in 1521: 'Academia Lovaniensis frequentia nulli cedit hodie, praeterquam Parisianæ. Numerus et plus minus tria millia, et affluunt quotidie plures' (*Epp.* Lugd. Bat. 1706, c. 652). Cf. below, App. XXIX. The College which had produced the *Primus* enjoyed three days' holiday, during which the bell was continually rung day and night. Grammaye, p. 24.

[2] 'Anno 1486. Marsilius de Craenendonck reconciliatus est Facultati, qui in actu formali asseruerat Aristotelem nominalem fuisse, agnoscens se ex levitate fecisse' (Molanus, I. p. 581). In 1427 some Nominalists were suspended for three years, and in 1446 it was considered a sufficient defence of an incriminated thesis to say that it was found in Scotus, 'quem reprobare Facultati non licebat' (*ib.* p. 582).

[3] *Gesch. d. deutsch. Univ.* I. p. 159.

[4] Cf. above, p. 3.

CHAP. IX, § 10.

Metropolitan City may not have been what would have been considered a Studium Generale in the loose thirteenth-century sense; but there is no real evidence to show that they were so. And there are certainly no traces of an existing Studium Generale, or of anything like it, in the place in 1454, when the Archbishop, James of Sirck, procured a Bull of creation from Nicolas V[1], who also authorized the impropriation of six Canonries and three parochial Churches in the City for the sustentation of Masters[2]. The date, however—the year after the capture of Constantinople—was an ill-omened one for such an undertaking. The war with the Turk called away the Founder to other tasks, and the actual birth of the University was postponed to the year $147\frac{2}{3}$[3].

Bull of 1454.

No actual University till $147\frac{2}{3}$.

It would appear, however, that the credit of this revival is due not to the then Archbishop but to the City, which had to bribe that prelate with a sum of 2000 *aurei* to hand over to them the old Bull of Nicholas V and to assist them in obtaining a fresh one[4]. The Archbishop was Chancellor, and the foundation-bull conferred upon the University the privileges of Cologne, which seems to have been the model for its constitution.

§ 11. GREIFSWALD (1455–6).

KOSEGARTEN, *Geschichte der Universität Greifswald, mit urkundlichen Beilagen*, Greifswald, 1857. See also authorities for Rostock, above p. 256.

Interdict at Rostock: Migration of University to Greifswald, 1437.

In the year 1428 a democratic revolution took place in the town of Rostock, in consequence of the failure of the Town Council in their expedition against the King of Denmark. The existing Burgomasters—the representatives of the hitherto ruling oligarchy—were expelled, and betook themselves to the Council of Bâle to get the assistance of

[1] Browerus et Massenius, II. p. 288.

[2] *Ib.*

[3] *Ib.* p. 299. As to the date, cf. Marx, II. p. 459.

[4] Wyttenbach and Müller, *Gesta Trevirorum*, II. (Augustæ Trevirorum, 1838), p. 343; Browerus et Massenius, II. p. 299.

ecclesiastical thunders for the promotion of their recall. As a consequence of this appeal, the City was laid under Interdict, and the University in particular was ordered to have no dealings with the excommunicated City magistrates. The University was evidently disposed to sympathize with the citizens, but the place was at length rendered uninhabitable for it: and a decree of the Council of Bâle was procured authorizing its transference to any other place within the dioceses of Kammin and Ratzeburg. The place selected was the neighbouring Hanse town of Greifswald in Pomerania, to which the University removed from 1437 till 1443. The Bâle decree only authorized the transference of the Studium so long as the Interdict on Rostock lasted. This was removed in November, 1439, when a kind of coalition Government was arranged between the aristocracy and the craftsmen. The University at Greifswald was, therefore, *ipso facto* brought to a conclusion. But the Town Council of Rostock were not at first disposed to renew the endowment of the truant University: and for more than three years the Studium practically ceased to exist in either City. In 1443, however, it was permanently transferred back to Rostock: but the six years during which it had enjoyed the dignity of a University town left academical aspirations in the minds of the burghers of Greifswald: and it is not surprising to find a movement arising for the erection of a permanent University not many years after the departure of the Rostock Professors[1].

CHAP. IX, § 11.

Removal of Interdict, 1439.

Return of University to Rostock, 1443.

In 1455 a Bull[2] was procured from Calixtus III addressed to the Bishop of Brandenburg, authorizing the erection of a University if it were found that the allegations of the petitioners as to the suitability of the place and other circumstances were true. The project, however, was opposed by the Duke of Mecklenburg and the University of Rostock, and the actual Bull of erection was not granted till

Bulls from Calixtus III, 1455–6.

[1] Krantz, *Wandalia*, L. xi. c. 11 *sq.*, L. xii. c. 28. Kosegarten, I. pp. 27–33, 293–4; Krabbe, I. pp. 110–129.

[2] Kosegarten, II. p. 3.

CHAP. IX, § 11.

Commission of inquiry.

1456[1]. The issue of a preliminary commission of inquiry, it may be remarked, seems to be a very usual method of procedure at the Roman Court in the erection of a University at about this period. In this case there appears to have been a very elaborate enquiry[2], and the definitive Bull was not procured without the expenditure of 300 ducats on the part of the envoy of the City, no less than 200 of which went in gratifications to the Cardinals or the inferior hangers-on of the ecclesiastical Court[3]. Even when the Bull was issued, its operation was conditional on the actual endowment of the University to the extent of 2000 ducats by Wratislaus, Duke of Pomerania-Stettin, whose supremacy Greifswald now acknowledged. This sum was supplied as usual by the impropriation of Churches: in particular, the Town Church of S. Nicholas in Greifswald was made Collegiate, and the patronage of the Canonries bestowed on the University. The City likewise contributed to the endowment, and also—a more unusual circumstance—the Bishop of Kammin and the neighbouring Abbeys[4]. The Bishop of Kammin became Chancellor and (jointly with the Bishop of Brandenburg) Conservator Apostolic. The Chancellor, however, early appointed as perpetual Vice-

Impropriations.

[1] Kosegarten, II. p. 14. An imperial Charter of Privilege was obtained from Frederick III in the same year. *Ib.* p. 49.

[2] These precautions would appear not to have been altogether uncalled for. The first Bull of Calixtus III declares that the Duke's representatives had made the astounding assertion 'quod infra centum miliaria prope ipsum oppidum [ab una parte] aliquod generale studium, quod ad presens vigeat, non existit,' thus ignoring Rostock. The words 'ab una parte' seem to be a later correction. Kosegarten, II. pp. 3, 4.

[3] See the amusing letter in Kosegarten, II. pp. 18, 19: 'Vix valeo facta universitatis cum ccc ducatis expedire, propter impedimenta nobis facta. Quasi cc ducatos habeo dare in propinis. Nisi hoc fecissem, nihil obtinuissemus,' &c. The envoy stayed at Rome to procure further privileges; and on Ap. 28, 1457 (*ib.* p. 59), writes to Rubenow giving further particulars of the gratifications which he had given to the Cardinals. He explains that the first envoy of the enemies of the University had died of chagrin at its success ('Credo quod ex melanconia [*sic*] obiit'), and he hopes that their present agent will likewise die at Rome: 'ebriosus est; credo quod nunquam revertetur, quia aer Romanus non patitur homines talismodi.' He asks for more moneys 'sine quibus nichil.'

[4] Kosegarten, II. pp. 4, 8, 10, 12, 38, 164 *sq.*

Chancellor Henry Rubenow, one of the Burgomasters of Greifswald, who had taken the largest share in promoting the erection of the University, towards which he contributed on a munificent scale out of his private purse[1]. He has always been considered the true Founder of Greifswald[2]. Rubenow was also elected first Rector of the University, and 173 students were matriculated during his Rectorship, *i.e.* during the first half year of the University's existence[3].

Henry Rubenow.

The Universities of Greifswald and Rostock are remarkable for the large number of private citizens who contributed to their foundation or endowments. They may be said to supply the first recorded instances of the foundation of Professorships (*collegiaturæ*) by private persons[4]. The Masters of Arts, as at Leipsic and Rostock, were divided between a Collegium majus and a Collegium minus. The houses were given by the Duke[5]; the Colleges were richly endowed; and the Masters further derived a considerable income from letting out rooms to non-foundation students. At Greifswald the Collegium majus was adapted for six Rectors or Regents and 200 Students; the Collegium minus for four Regents and 140 students. In the Ducal deed of gift the average net income derivable from room-rent is estimated at a florin per student.

First Professorship founded by private persons.

Colleges.

[1] Kosegarten, II. p. 24 (this document also authorizes the Rector to have a prison), and p. 159.

[2] Rubenow's total expenditure upon the foundation of the University was 3012 marks, besides the patronage of eight benefices and 400 'florenos renenses' spent in procuring the Bulls. He bequeathed further property to the University by will, including a Library which 'pro mille florenis,' he says, 'nulli darem.' Kosegarten, II. p. 259.

[3] Kosegarten, I. p. 65; II. p. 259 *sq.*

[4] Krabbe, I. p. 57; Kosegarten, II. p. 101 *et passim.*

[5] The Duke gives a house 'cum cameris siue commodis pro sex Rectoribus et ducentis Studentibus, pro collegio maiori et pedagogio artistarum bene preparatis, a quibus Regentes in illo ultra ducentos florenos pro conductura solummodo absque liberis expensis et collecta leccionum percipere valeant ad omne minus,' &c. Kosegarten, II. p. 20. Later on, in both Universities, the 'Collegium minus' was made into a stricter School or Pædagogy for the younger students ('pædagogium cum clausura et directione'). *Ib.* II. p. 213.

CHAP. IX, § 12.

§ 12. FREIBURG-IM-BREISGAU (1455–6).

The chief history (with extracts from documents) is SCHREIBER, *Gesch. der Stadt u. Univ. zu Freiburg im Breisgau*, II. Freiburg, 1857. A few documents are given in RIEGGERUS, *Analecta Academiæ Friburgensis* (Ulmæ, 1774), and SCHREIBER, *Urkundenbuch der Stadt Freiburg im Breisgau*, vol. II. (Freiburg-i.-B 1829). *Die Urkunden über die der Universität Freiburg-i.-B. zuhörigen Stiftungen* (Freiburg im Breisgau, 1875), refers but little to our period. It contains the Statutes of the 'Sapientia,' a College founded in 1501, on which there is also a 'Programme' by WERK (*Das Collegium Sapientiæ in Freiburg*, Freiburg, 1839). KRAUS, *Die Universitäts-Kapelle im Freiburger Münster* (Freiburg-i.-B. 1890).

Foundation.

A Bull was granted in 1455[1] authorizing the erection of a University at Freiburg-im-Breisgau, on the petition of Albert VI, Archduke of Austria; and in 1457 a Ducal Charter followed erecting the University and conferring upon it the privileges of Paris, Heidelberg, and Vienna. It was endowed by the impropriation of Rectories and Prebends in the Ducal patronage. The Bishop of Bâle was Chancellor, and the jurisdiction over students was divided between the Bishop and the Rector[2].

Constitution: the two *viæ*.

The accessible data do not admit of any further account of the constitution. It was, no doubt, more or less based on that of Vienna[3]; but before the end of the century a curious modification was introduced. It was in the English Universities, and through the antagonism between the Nominalists of the English Nation and the rest of the University at Paris, that the quarrel between the Nominalists and Realists first assumed the form of a great faction-fight, dividing Masters and scholars into two hostile camps alike in the battles of the streets and in the debates of the Congregation-house. In the German Universities of the

[1] This Bull does not appear to have been a direct Bull of erection, but conferred upon the Bishop of Constance the power to erect the University, which he exercised in the following year.

[2] Schreiber, *Gesch.* II. 1–14. Albert's Charter is printed in Rieggerus, *Analecta*, p. 277; also (p. 297) a Bull of Innocent VIII in 1484 conferring on the Rector jurisdiction over clerks as well as laymen, and giving power of Absolution for assaults on clerks to the senior Doctor of Theology.

[3] Schreiber, *Gesch.* II. p. 14.

fifteenth century this feud reached a climax of bitterness and absurdity. We have seen how it had already contributed to the disruption of the University of Prague in 1409. At that time the Germans were Nominalists almost to a man; and in the purely German Universities—at Vienna and in the Universities which received the dissidents from Prague—Nominalism for a time carried all before it. But as the memories of Prague and of Constance began to die out, Realism, no longer incompatible with patriotism, seems to have revived. The Freiburg Faculty of Philosophy was, however, like the parent University of Vienna, predominantly Nominalist till the year 1484, when we find the Archbishop Siegmund ordering the University to provide a *Via Realium*. A little later a realistic section of the Faculty was actually formed under the direction of Master Northofer, who had been fetched from Tübingen for the purpose. From this time distinct lectures were given on each book by a Nominalist and by a Realist Master; and it was provided that the two persuasions should be equally represented upon the Council of the Faculty[1]. It is a singular fact that that liberty of Conscience, about which so much ado has been made in the sphere of what is technically known as Theology or 'religious instruction,' should never, in modern times, have been extended to the sphere of Philosophy, in which men's differences are no less fundamental, no less fraught with consequences alike for religious belief and for practical Ethics[2].

CHAP. IX, § 13.

§ 13. BÂLE (1459).

LUTZ, *Geschichte d. Universität Basel*, Aarau, 1826. VISCHER, *Geschichte der Universität Basel bis zur Reformation*, Basel, 1860. The latter supersedes the former, and publishes more documents. Cf. also OCHS, *Geschichte der Stadt und Landschaft Basel*, vol. IV, Basel, 1819.

Æneas Sylvius' account of

Æneas Sylvius, who resided at Bâle during the sessions of the Council, testifies to the educational zeal of its

[1] Schreiber, *l. c.* II. pp. 43, 59–63. The *Via Antiquorum* at Freiburg was also styled *Via Scotistarum*.

[2] It is interesting to notice that in the 'Magnum Convictorium,' or College of this University, College life seems to have lasted till about 1774. Werk, p. 34.

CHAP. IX, § 13.

Bâle Schools.

Burgomaster and Council, who supported Masters of Grammar, Logic, and Music[1]. When Æneas mounted the Papal throne as Pius II, the Council took the opportunity of petitioning their old friend for University privileges[2].

As Pius II, grants Bull for University, 1459.

A Bull was granted in 1459 for the erection of a University in all Faculties. The Bishop was Chancellor; and the Studium was actually opened in the following year[3]. The University was under the control of a body of Deputies (*deputati*) named by the Magistrates. A College was provided and funds supplied by the Town Council; and a further endowment was obtained by the annexation of prebends varying in value from 40 to 200 florins[4]. The Statutes were based on those of Erfurt[5].

§ 14. INGOLSTADT (1459, 1472).

ROTMARUS, *Almæ Ingolstadiensis Academiæ Tomus Primus*, Ingolstadii, 1581, and *Annales Ingolstadiensis Academiæ*, ed. Mederer, Ingolstadii, 1782. PRANTL, *Gesch. der Ludwig-Maximilians-Universität in Ingolstadt, Landshut, München* (München, 1872), is one of the most serious and learned of University histories, with a full collection of 'Urkunden.'

Foundation.

Bavaria was the next German principality to grow ambitious of having a University of its own. A Bull was obtained by Louis the Rich, Duke of Bavaria and Count Palatine of the Rhine, from Pius II in 1459; but the actual erection of the University was delayed in consequence of the war in which the Duke was engaged against the Emperor Frederick III, and Albert of Brandenburg. The University was not opened till 1472[6], when 489 students were matriculated within the year[7]. In the following year

[1] *Scriptores Rerum Basil. minores* (ed. Brucker, I. Basileæ, 1752), p. 374.

[2] Vischer, pp. 265–7.

[3] *Ib.* pp. 268, 282, 290. *Basler Chroniken*, IV. (Leipzig, 1890), p. 332.

[4] Vischer, pp. 21–2, 85, 271, 307–8.

[5] *Ib.* pp. 311–314.

[6] *Annales*, I. pp. xx, 1; Prantl, I. p. 15. The Bull and Ducal Charters are given by Mederer, IV. pp. 16, 39, 42. *Inter alia* the Duke confers the privileges of the University of Athens! Though the Bull is in the usual form, a special Bull was procured to authorize promotions in the Superior Faculties in 1477. *Annales*, IV. p. 113.

[7] Prantl, I. p. 64.

there were 321 matriculations, in the next 220. From this to the end of the century the average number of annual matriculations is about 200[1]. The University received from its founder the privileges of Vienna, which had no doubt hitherto served as the University-town of most Bavarians[2]. CHAP. IX, § 14.

The Bishop of Eichstädt became Chancellor. In the main the Constitution and Statutes of the University were modelled on those of Vienna. The original draft of the University Charter professed to reproduce the Vienna division of the whole University into four Nations[3]: but in the actual Statutes of 1472 we find no Nations, and as a consequence the student-rights disappear. But the voting by Faculties is retained. The Rector is to be chosen in turn from each Faculty[4], and the whole of the Masters have seats in the General Council of the University and of their respective Faculties[5]. Soon afterwards, however, in accordance with the prevailing tendency throughout Germany, we find the Masters of below four years' standing excluded from the Councils of the Faculty of Arts[6]. But the most striking innovation in the Ingolstadt constitution arose out of the now stereotyped and traditional feud between the Nominalists and the Realists. The Faculty of Arts divided itself into two distinct sections, each with a Dean, Council, chest, and Bursæ of its own. They met only at Disputations. This expedient, however, appears rather to have fomented than appeased the heat of the metaphysical

Constitution.

The two *viæ*.

[1] *Annales*, I. pp. 1–59. The numbers fluctuate between 130 and 373. We may perhaps conclude that the actual numbers of the University were at least 500 or 600 (Prantl, *l.c.*).

[2] *Ib.* pp. xxi, xxxiii. A plan for making the Church of S. Mary's Collegiate, and giving the stalls to Professors nominated by the Duke, for which the Papal consent was obtained, broke down, but the revenues were applied to the benefit of the University: Prantl, I. p. 15; *Annales*, IV. pp. 19, 25. In the same way other Churches were saddled with pensions to Masters without the latter serving the cures. *Annales*, I. p. 31 *sq.* A prebend at Eichstädt seems to have been actually held by the Lector Theologiæ. *Ib.* IV. p. 25.

[3] Prantl, I. 25.

[4] *Annales*, IV. p. 60.

[5] *Annales*, II. pp. 59, 70.

[6] Prantl, II. 88. In the Statutes of 1519–20, however, we find the exception 'nisi collega, regens, aut alicuius contubernii præfectus esset.' Prantl, II. 154–5.

CHAP. IX, § 14.

combatants, and in 1478 the two *viæ* were compelled to reunite by the strong hand of the Duke[1].

Collegium Georgianum.

The Collegium Georgianum, founded by the son and successor of the founder of the University in 1494, is remarkable as being one of the few Colleges in German Universities organized on the Parisian model. Most of the Colleges in German Universities were primarily Colleges for Masters who were engaged in University teaching: the Collegium Georgianum was a College for eleven poor students under a Regent[2].

Transference to Landshut and Munich.

The University was moved in 1800 to Landshut, and in 1826 to Munich[3]. The Papal Bull for Ingolstadt contains the wholly exceptional provision that candidates for degrees should take an oath of obedience to the Holy See —almost the first instance of anything in the nature of a test in University history. Candidates for degrees at Paris or elsewhere had, indeed, been required before this to assent to various conclusions of the University itself, but no such provision had been imposed from without upon a University at its foundation. In recent times the Bavarian University has elected to its Rectorial chair the leader of the most notable modern revolt from within the bosom of the Roman Church itself against the authority of the Roman See.

§ 15. MAINZ (1476).

The only information about the University which I have been able to get is from a few documents in WÜRDTWEIN, *Subsidia Diplomatica*, Heidelbergæ, III. 1774, and a *Catalogus chronologicus Rectorum Magnificorum in Univ. Moguntina*, Moguntiæ, 1751.

Foundation.

The University of Mainz was founded by a Bull of Sixtus IV, granted on the petition of Diether, Archbishop of that See in 1476, and was endowed with one canonry

[1] *Annales*, I. p. 16; II. pp. 70, 71, 73; Prantl, II. pp. 49, 52, 77. The voting was by Faculties, the two *viæ* only counting as one.

[2] *Annales*, I. pp. 44, 47. Prantl, I. pp. 96–100; II. p. 117 *sq.*

[3] Prantl, I. pp. 697, 720.

and prebend in each of fourteen Churches of the neighbourhood, which were placed in the patronage of the Rector and 'Provisors' of the University. The Provost of S. Mary-at-steps in Mainz became Chancellor: and the University was endowed with the privileges of Paris, Bologna, and Cologne[1]. The Archbishop's first Charter to the University was issued in 1477[2], and the first Privileges in 1479. The first Rector was elected in 1478[3]. There seem to be no published materials for any further account of the constitution of this University. A document of 1483 shows that the 'Provisors' were the Rector (who was a D.D.) and the Deans of the four Faculties[4]. CHAP IX, § 16.

§ 16. TÜBINGEN (1476–7).

BÖK, *Geschichte der herzoglich Würtenbergischen Eberhard Carls Universität zu Tübingen* (Tübingen, 1774), largely occupied with biographies; KLÜPFEL, *Geschichte und Beschreibung der Univ. Tübingen*, Tübingen, 1849, and *Die Univ. Tübingen*, Leipzig, 1877; *Urkunden zur Gesch. der Univ. Tübingen*, Tübingen, 1877; STEIFF, *Der erste Buchdruck in Tübingen*, Tübingen, 1881.

Würtemberg obtained a University of its own by the foundation of Tübingen in 1477. Its Founder was Eberhard, Count of Würtemberg, with the 'co-operation' of his mother, Matilda, an Archduchess of Austria[5], and his uncle Count Ulric. Its endowment was supplied by impropriations, and especially by the annexation to magisterial chairs of the ten Canonries and Prebends in the Church of S. George at Tübingen, whose Provost became Chancellor of the University[6]. The Bull authorizing the erection of the University was issued by Sixtus IV in 1476, but was not executed till 1477, when the University was Foundation.

[1] Würdtwein, III. pp. 182, 197 *sq.*

[2] *Ib.* pp. 187, 223.

[3] *Catalogus*, p. 1.

[4] *Ib.* p. 3. A work entitled 'Modernorum summule logicales' and published by the 'Magistri collegii moguntini regentes' in 1490 indicates the existence of a Collegium.

[5] *Urkunden*, pp. 28–9.

[6] *Urkunden*, pp. 1, 11 *sq.* The Count afterwards added the first-fruits or *Decimæ Novalium* (which he had appropriated to himself), with Papal licence. *Ib.* p. 68.

REESE LIBRARY OF THE UNIVERSITY OF CALIFORNIA

CHAP. IX, § 16.

actually founded and the first Statutes drawn up by the Abbot of Blaubeuren acting as Papal delegate [1].

Imperial Bull for Laws.

In 1484 the University obtained a confirmatory Charter from the Count's kinsman, the Emperor Frederick III. The language of this Charter is remarkable since it seems to assume that the Imperial permission was specially requisite to authorize teaching and graduation in the Roman or 'Imperial' Laws—the first indication of such a theory with which we have met [2]. By this time the true idea of the purpose for which the Papal or Imperial Bull was originally sought was becoming confused. The Tübingen Charter is no doubt a somewhat unhistorical assertion of prerogative on the part of the Emperor. At an earlier period the Imperial Charter would not have been limited to the Faculty of Law; although an Imperial Charter was sometimes obtained as well as a Papal one, each authority had fully recognized the prerogative of the other in respect of all Faculties alike. The Emperor as little denied the Pope's power to found a Law University as the Pope denied the Emperor's to erect a Studium Generale in Theology.

Numbers: early distinction.

Forty Masters and 256 students were enrolled by the first Rector [3]. Among its earliest Masters appears the name of one who has sometimes been called the last of the Schoolmen, Gabriel Biel, a name of very great importance in the development of that Nominalist Theology against which the revolt of German Protestantism was in an especial manner directed. There were, however, two *viæ* at Tübingen as well as at Freiburg and Ingolstadt: but Tübingen was one of the earliest Universities to welcome

[1] *Urkunden*, p. 11 *sq.*, 39. It is observable that the original purpose of the Papal Bull has now passed out of sight: there is no express grant of the *Facultas ubique docendi*, merely a general conferment of all privileges enjoyed by other Universities. The Provost of S. George's is appointed *Studii Cancellarius*, with the powers which the Archdeacon of Bologna exercises 'in universitate Studii Bononiensis.' It will be noticed that 'Universitas studii' and 'Studium' are now practically synonymous. In the words used by the Chancellor in conferring the Licence, the 'hic et ubique terrarum' has disappeared. *Ib.* p. 260.

[2] *Urkunden*, p. 76.

[3] *Urkunden*, pp. 462, 471.

first the New Learning and then the Reformation. It numbers Reuchlin among its teachers, and Melanchthon among its students. CHAP. IX, Summary.

It may be well at the conclusion of this brief sketch to sum up the chief characteristics of these German Universities in the form which they have assumed by the end of our period. Paris was on the whole the model from which they all started. In all essential respects in which we have not noticed a change, it may be assumed that the customs and institutions of Paris were reproduced in her German offshoots. The changes which we have noticed in successive foundations exhibit a gradual modification of the Parisian constitution; all these changes tended in the same direction, and culminated in the evolution of a form of University constitution in which it is not always easy to recognize the resemblance to the Parisian prototype. It remains for us to recapitulate the main points of difference between the German University of the fifteenth century and its Parisian original. Summary.

(1) An important reservation must be made when it is said that the German Universities were founded on the model of Paris. The two earliest Universities—Prague and Vienna—exhibit a mixed type of University constitution. At Prague after 1372 the Jurists had a separate student-University of their own: while in the four Nations of Vienna students had a place as well as Masters, and all participated in the election of a Rector. Gradually, however, the constitution of the last University was so far modified as to place in the hands of the Masters all real academic power. This was effected by transferring most of the authority from the Nations to the Council of the University in which the Masters predominated and to the Councils of the respective Faculties which were wholly composed of Masters. In later Universities the student-rights disappear with one exception; in many of them the Rector may still be a student though not elected Survival Student-rights.

CHAP. IX, Summary.

by the students. The exception was of little practical importance. It perpetuated itself because it conduced to the honour and advantage of a University to have a young Prince or Count for its Rector. It is probable that it was only in such cases that a student was ever elected. Sometimes a young aristocrat was elected even if under age: in that case he was assisted and practically controlled by a Vice-Rector.

Rector and Faculty of Arts.

(2) The connexion of the Rector with the Faculty of Arts which had its root in the peculiar historical development of the Parisian constitution had by the date of the earliest German University become an unintelligible anomaly. It early disappeared both at Prague and at Vienna, and in the later Universities (with the exception of Heidelberg) the Rector might from the first be chosen from any Faculty. The Faculty of Arts always had a Dean of its own.

Nations.

(3) The special connexion of the Nations with the Faculty of Arts had likewise become meaningless. When Nations existed in the German Universities they existed as a division of the whole University. They were from the first less important than at Paris; and in the later medieval foundations they disappear altogether.

Collegiati and Councils.

(4) A fundamental difference between Paris and her German daughters lay in the fact that in the latter the teachers were from the first endowed. The endowment was usually effected, at least in the Faculty of Arts, by the erection of one or more Colleges. The Universities were thus provided with a permanent Professoriate, and this Professoriate succeeded in time in ousting the unendowed Regent Masters from all real academic power. Sometimes all Regents voted for the election of Rector and Dean; but in every case the real power was gradually transferred to the Councils, which practically constituted both the University and the Faculties[1]. The composition of these

[1] At Greifswald, in 1456, all the Masters vote in the election of Dean (Kosegarten, II. p. 297). But all academic power seems to be in the hands of a Council of twelve senior Masters, of at least two years'

Councils varied. Nearly always they included only Collegiati with such honorary members as they might think fit to coopt[1]: sometimes all Collegiati sat in the Council, sometimes only a limited number—those of a certain standing or the holders of the better-endowed Chairs. In the University Council the Faculty of Arts was often represented by only a limited number of its members, while all the Professors of the superior Faculties had seats in it[2]. Throughout the period which we have been studying there is a tendency to transfer academic power from popular Congregations, such as still rule our English Universities, to an oligarchy of permanent and endowed Professors. The change is virtually complete by the end of the fifteenth century.

CHAP. IX, Summary.

(5) The Colleges stood from the first in a different relation to the University from that which they occupied at Paris. At Paris the Colleges had sprung up later than, and independently of, the University, and their original purpose was merely to provide for poor students. In the German Universities the larger Colleges were designed primarily to supply the University with teachers. Many of them formed part of the original Founder's design: at all events they were in most cases under the direct government of the University, or rather of its Faculties. The old haphazard

Colleges.

standing (*ib.* p. 300), who are apparently identical with the Collegiati (*ib.* I. p. 77; II. p. 215), though extraordinary members might be added to the former (*ib.* II. p. 220). The Collegiati are a coopting body, but the election to a Collegiatura or to the prebends, with which the endowment was completed, requires the confirmation of the University (*ib.* II. 221). Here (as in other cases) many functions are reserved to a still smaller *Concilium Secretum* of the University or Faculty (*ib.* p. 229).

[1] At Rostock only the Professors of the more valuable chairs in the superior Faculties and two Masters of Arts with extraordinary members coopted by them (Westphalen, *Diplomatarium*, IV. c. 1010).

[2] In some Universities, however, as late as the sixteenth century, the unendowed Regent Masters are still required to reside for two years and do a certain amount of lecturing, probably *extraordinarie*, unless dispensed by the Faculty. So at Leipsic (1471–1490), Zarncke, *Statutenbücher*, p. 403; and at Greifswald, Kosegarten, II. p. 303: but here they are only required to lecture 'per duos menses . . . et octies disputare extraordinarie.'

CHAP. IX, Summary.

Regent system was necessarily inefficient. At Paris and Oxford it was gradually supplanted by the growth of College teaching, at least in the Faculty of Arts. In Germany the same change may be traced, but here the College teachers were from the first University teachers as well, and gradually passed into the position of a University Professoriate pure and simple. At first there was, indeed, a distinction between University lectures and College disputations or 'exercises,' the latter being given in the Colleges by the endowed Regents or in the private *bursæ* by their Rectors or Conventors. For a time College teaching and University teaching existed side by side (though given to a large extent by the same persons), but even the College or domestic teaching was regulated and required by the University[1], so that, long before the Colleges began to disappear, all teaching was practically in the hands of the University. The College or Colleges of a Faculty were in fact practically identical with the Faculties themselves, and in most cases had hardly any existence independently of the University[2].

Evolution of Professoriate.

(6) Another step towards the evolution of the modern Professoriate was taken when the subjects to be lectured on were systematically distributed among the Masters of

[1] At Leipsic 'serotinæ disputationes' are required for a degree in 1471-90 (Zarncke, *Statutenbücher*, p. 420). Private pædagogia often existed side by side with the Colleges, and the 'Exercises' in them were recognized by the Faculty as equivalent to those conducted by Collegiati in the Colleges. (See e.g. Kosegarten, *Greifswald*, II. p. 301 *sq.*) But some students still lodged with citizens (*ib.* 252—a document from which it appears that most of the Arts students were Danes).

[2] This appears with peculiar clearness at Greifswald, where the Faculty of Arts is found ordering the most minute repairs of the Collegium majus and Collegium minus and of the 'Bursæ,' which seem to have been houses included in or annexed to the Collegia proper. Kosegarten, II. pp. 243, 249 *sq.* The former passage throws a startling light on the state of sanitary arrangements in a medieval College in 1484. Money was voted 'pro quodam secreto erigendo ad commodum magistrorum, ne eos contingeret dispariter vulgari suppositorum concursu permisceri, tum eciam quia cloacæ . . . fuerunt supereffluenter replete sordibus, et sic cum difficultate expurgabiles.' The requirements of Undergraduates do not seem to have been considered; hence perhaps the partiality of the latter for the private 'Regentia' so bitterly lamented by the Collegiati.

the Faculty. We are entirely in the dark as to the manner in which the distribution of books among lecturers was effected at Paris. But perhaps in a University like Paris, where 120 Regents in Arts are said to have been teaching simultaneously, the distribution may have been left to the natural operation of the law of supply and demand. In smaller Universities (especially when newly founded) where the same number of subjects had to be divided among a very small staff of teachers, this was impossible. Hence we find on the foundation of Leipsic that it was resolved that the books should be distributed among the Regents by lot[1]. In other Universities it would appear that the distribution was effected by mutual arrangement or the decision of the Faculty. To convert these endowed Regents into Professors of distinct subjects it was only necessary that the teacher should continue to teach the same subject permanently instead of having a fresh book assigned to him at the beginning of each academical year. To trace the steps by which this change was effected would carry us beyond the chronological limits to which this work is confined.

When the power of voting at Faculty-meetings, and especially the control of the Examinations, was reserved to a Council, and the emoluments of the Ordinary Lectures to a College, a single step only was necessary for the complete evolution of the Regent Master into a Professor—i.e. to make the two restrictions coincide. This change appears to have been completed in the course of the sixteenth century, when membership of the Faculty became dependent upon a place in the College: Faculty and College became identical[2]. To trace further the development of the ancient College-system of modern Germany into the

[1] Zarncke, *Statutenbücher*, p. 309.

[2] Cf. Paulsen, *Hist. Zeitschr.* T. 45, p. 396. The full development of the system involved also (1) the making of Collegiaturæ permanent, which in the Faculty of Arts had usually not been the case; (2) the extinction of the ordinary Regent's rôle in the University as well as the Faculty; (3) the restriction of particular chairs to particular subjects.

CHAP. IX, Summary.

Professorial system of to-day, would again be beyond our province. Suffice it to say that the Professor Ordinarius of modern times is the successor of the medieval Collegiatus or Doctor-prebendary; while the Extraordinary Professors and the Privat-docenten may be considered to represent the old extra-collegiate Regents, authorized to teach and to take what fees they can get for doing so, but with no endowment or share in the government of the University [1].

[1] An Imperial Bull was granted for the foundation of a University at Frankfort in 1500 (Becmanus, *Memoranda Francofurtana*, Francof. ad Oderum, 1676, p. 12); but, as the University did not come into actual existence till 1506, I have regarded it as lying outside my subject.

CHAPTER X.

THE UNIVERSITIES OF POLAND, HUNGARY, DENMARK, AND SWEDEN.

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THE UNIVERSITIES OF POLAND, HUNGARY, DENMARK, AND SWEDEN.

§ 1. CRACOW (1364, 1397).

CHAP. X, § 1.

There is a good collection of documents, *Codex Diplomaticus Universitatis studii gen. Cracoviensis* (Cracoviæ, 1870), which contains a list of books on the University, chiefly Polish (I. p. 4). The *Regestrum Bursæ Cracoviensis* (Budæ, 1821) supplies interesting information (with extracts from documents) about one of the Colleges or rather Halls. The Matriculation book has been edited by ZEISSBERG (*Das älteste Matrikelbuch der Universität Krakau*, Innsbruck, 1872), and more recently by PELCZAR (*Album studiosorum Univ. Cracov.*, Cracoviæ, 1887), and the *Acta rectoralia almæ Universitatis studii Cracoviensis* are being published by WISLOCKI (Tom. I. fasc. i. Cracoviæ, 1893). The *Acta* consist of the records of the Rector's Court, perhaps the only document of the kind at a continental University which has yet been published. I have not seen *Statuta necnon liber promotionum philosophorum ordinis in universitate studiorum Jagellonica ab anno 1402 ad annum 1849*, edidit T. M., Cracoviæ, 1849.

First Foundation by Casimir the Great, 1364.

THE University of Cracow was originally founded by a Charter of Casimir the Great, King of Poland, in 1364[1]. A Bull of Urban VI followed in the same year[2]. The Royal Charter confers in general terms the privileges of Bologna and Padua, and describes in some detail the constitution of the contemplated University. This constitution is entirely of the Bologna type, and the fullest Student-rights are conferred. Both Rector and Professors are to be elected by the students, and a Master is ineligible to the Rectorship[3]. The Rector is accorded a full and exclusive civil jurisdiction over students, and in criminal cases his

A Student University.

Jurisdiction.

[1] Printed in *Cod. Dipl.* pt. I p. 1.
[2] *Ib.* p. 6.
[3] *Ib.* pp. 2, 3.

CHAP. X, § 1.

judicial competency extends to cases of 'hair-pulling, slapping, and striking.' In serious criminal matters a clerk is to be handed over to the Bishop, a layman to the Royal tribunals[1]. Even in such cases he was not to be arrested without the Rector's consent. Salaries were assigned to Masters of Law, 'Physic,' and Arts, and charged upon the revenue arising from the salt-tax of a certain district[2]. The University was nominally founded for all 'lawful Faculties'; but Law was evidently intended to be the prominent subject, and the Pope expressly excepted Theology from the privileges conferred by his Bull. In another important point Urban VI refused his assent to the provisions of the Royal Charter. The King, in imitation no doubt of Frederick II's Neapolitan constitution, ordered that the Royal Chancellor should superintend the 'private examination,' but the Pope's Bull secured his usual rights to the Bishop of the diocese[3].

Second Foundation by Ladislaus, 1397–1400.

Whether the existence of Casimir's University was ever more than nominal is far from certain: still more doubtful is it whether it outlived the death of its Founder in 1370, and the political confusion which ensued[4]. The resuscitation of the extinct University is due to King Ladislaus Jagellow, who in 1397 procured from the Roman Pope, Boniface IX, a Bull for a Theological Faculty[5], and in 1400 issued a fresh Charter for the whole University[6]. The University was actually opened or reopened in that year[7]. In the

[1] 'Veluti pro verberali iniuria, vel si Scolaris . . . aliquem capillando vel offendendo palma vel pugno ad effusionem sanguinis laeserit.' *Cod. Dipl* pt. I. p. 3.

[2] *Ib.* p. 3.

[3] See Urban's letter to the King. *Ib.* p. 9.

[4] The Charters of 1400, though ostensibly issued on account of the new Faculty of Theology, involve complete reorganization of the Studium. Moreover, a letter of the University to the Council of Constance, in 1416, speaks of itself as being 'in sua novitate' (*ib.* p. 113). Cf. Nakielski, *Michovia*, Cracovia, 1634, p. 285.

[5] *Cod. Dipl.* pt. I. p. 24. Kaufmann (*Zeitschr. für Geschichtswissenschaft*, I. p. 26), points out that the mere fact that the Bull purports to found a new University does not absolutely disprove the existence of the old one: still where the Bull is from the same authority, it makes it improbable.

[6] *Cod. Dipl.* pt. I. p. 25.

[7] Zeissberg, p. 6.

form given to it by the new Charter, it appears very doubtful whether the University was really a University of students. It would appear that the students still elected the Rector, but the clause requiring the Rector to be a student disappears. And from the list of Rectors[1] it is evident that the office was generally, if not invariably, held by a Master; and the Masters seem—at least in all matters relating to the property of the University—to be in possession of the powers of their Parisian brethren. A College of Jurists and a College of Arts—known also as the College of King Ladislaus—were provided for the Masters[2]. A Collegium minus for the Artists was afterwards added, as at Leipsic and its daughters, Rostock and Greifswald[3]. These Colleges were Colleges of Regent Masters on the German model. No non-foundationers appear to have been admitted to them as students, but several slightly endowed Halls or Bursæ[4] were founded in the course of the fifteenth century. The salaries of the Professors in all Faculties were now supplied mainly by the impropriation of ecclesiastical dignities[5], canonries, and other benefices. In this, as in other respects, the University of Ladislaus—so far as the extant documents enable us to judge—now follows the precedents of Prague, Leipsic, and other German Universities, rather than the Bolognese traditions which had influenced the abortive scheme of Casimir the Great. The Charter of Ladislaus confers the same rights on the Royal Chancellor as that of his predecessor: but it is doubtful whether the Bishop

CHAP. X, § 1.

[1] *Cod. Dipl.* pt. I. p. 203 *sq.*

[2] *Ib.* pp. 43, 48, 73, 100, 139, &c. We hear little of Medicine at Cracow, though a Medical graduate is occasionally mentioned: but the Collegiati of the College of Arts often proceeded in Theology.

[3] *Cod. Dipl.* pt. II. p. 98; pt. III. p. 45.

[4] A Bursa Pauperum was founded in 1410 (*ib.* pt. I. pp. 82, 83), and in 1454 a Bursa Jerusalem for 100 'studentes nobiles et plebei' (p. 156). These Bursæ, founded by private liberality, but with slender if any endowments, seem to stand midway between the private-adventure Bursa or Hospitium and the 'College' of Paris or Oxford. So, in 1473, a house is given 'pro Canonistarum Bursa' (*Cod Dipl.* pt. III. p. 38). Among the Bursæ mentioned in the *Acta Rectoralia* is a Bursa Divitum.

[5] *Cod. Dipl.* pt. I. pp. 35, 38, 66, 70 *et passim*.

CHAP. X, § 1.

was not in actual possession of the University Chancellorship[1]. The Rector possessed an ample jurisdiction in the causes of scholars, whether civil, criminal, or spiritual.

Numbers.

From the re-foundation under Ladislaus the University enjoyed considerable prosperity, drawing students not only from Poland, but from the neighbouring German territories, especially from Bavaria, Franconia, Swabia, and even from the north of Switzerland. Two hundred and six students were matriculated in the first year, including no doubt some honorary incorporations of ecclesiastics who had graduated elsewhere. Between 1401 and 1410 the annual number fluctuates between 45 and 133. In 1411 the continued troubles at Prague may be the cause of the matriculations going up to 150, and from this time the number is seldom below 100, and often exceeds 200. In 1483 the matriculations go up with a bound from the 130 of the preceding year to 388, and (with some falls) the prosperity of the University was fully maintained till the end of our period. In 1500 there were 506 matriculations, representing probably an academic population of between 1500 and 2000[2].

§ 2. FÜNFKIRCHEN (1367).

WALLASZKY, *Tentamen Historiæ Litterarum in Hungaria*, Lipsiæ, 1769, p. 51 *sq.* ÁBEL JENÖ, *Egyetemeink a Középkorban*, Budapest, 1881, which contains many extracts from documents.

Cathedral Schools at Veszprim, &c.

A decree of Ladislaus III, setting apart an estate for the 'reformation' of the Schools at Veszprim[3], declares that a Studium of the Liberal Arts had flourished there 'as at Paris since the acceptance by Hungary of the Catholic Faith[4].' Such a comparison might seem to suggest that

[1] See *Cod. Dipl.* pt. I. p. 79. The Bishop directs the distribution of the ecclesiastical revenues annexed to the Studium. The *Cod. Dipl.* contains an immense collection of documents relating to the property of the University, but no Statutes.

[2] Zeissberg, p. 19 *sq.*

[3] 'Ut ibidem studium quod hactenus floruerat, reformetur.' Doc. in *Cod. Diplom. Hungariæ*, ed. Fejér, T. V. vol. II. p. 347.

[4] 'Liberalium artium studia . . . prout Parisius in Francia' (*l. c.*).

the Studium was regarded to some extent in the light of a *Studium generale respectu regni*: but there is no express evidence that such was the case, and as a matter of fact the first recognized Hungarian University did not develope by spontaneous evolution out of the Schools of Veszprim or any other ancient Studium, but was founded entirely *de novo* in the Episcopal City of Fünfkirchen, where it appears to have no special continuity with any older School. CHAP. X, § 2.

The foundation of the University was begun by King Lewis I of Hungary in 1360[1], but the Bull of erection was not granted by Urban VI till 1367[2]. The Studium was to be 'as well in Canon and Civil Law as in any other lawful Faculty,' except Theology. It was clearly for the Faculties mentioned that the University was chiefly intended, and—since Hungarian Law was not based on Roman—primarily for the study of the Canon Law. To teach it the Bolognese Doctor Gabranus Bettinus was provided by the Bishop with a salary of 300 silver marks or 600 golden florins, which was made (with the consent of the Chapter) a permanent charge upon the Episcopal revenues: and the Provostships of the Cathedral and two neighbouring Churches were also annexed to three Chairs of Law[3]. A few allusions in Papal Bulls suffice to show that the Studium really came into being: but the latest of them is dated 1376[4], and how long after that the University survived it is impossible to say. The allusions to Schools at Fünfkirchen in the fifteenth century[5] are certainly not of a kind which prove the existence of a University[6]. Foundation of Fünfkirchen, 1360–1367.

[1] Wallaszky, p. 51.

[2] Ábel Jenő, p. 50: sometimes wrongly dated 1382 (see Denifle, I. p. 415 *n.*).

[3] Ábel Jenő, pp. 51, 54.

[4] Denifle, I. p. 417. Cf. below, p. 288.

[5] Ábel Jenő, p. 55.

[6] The statement that there were at one time 2000 (afterwards multiplied to 4000) students at Fünfkirchen before the 'Turkish Captivity' appears to rest only on the statements of seventeenth-century writers. Wallaszky, p. 51.

CHAP. X. § 3.

§ 3. BUDA (1389).

WALLASKZY, *Tentamen Historiæ Litterarum in Hungaria*, Lipsiæ, 1769, p. 51 *sq.*: ÁBEL JENÖ, *Egyetemeink a Középkorban*, Budapest, 1881, which contains many extracts from documents.

Foundation, 1389.

The University of 'Old Buda' was founded in 1389 by Sigismund, King of Hungary, with a Bull granted by Boniface IX appointing the Provost of S. Peter's Chancellor: but in 1395 a Bull was issued by the same Pope[1] appointing the Bishop of Veszprim to the Provostship and Chancellorship, in spite of the want of a Doctor's degree[2]. In the following year the extant Register of the Faculty of Arts begins, and shows that the University was now in working order, at least as far as that Faculty is concerned[3].

Re-foundation, 1411.

In 1410 a Bull is addressed by John XXIII to the Papal Referendary in Hungary, which, after alluding to Sigismund's intention of founding a University in that country, directs him to report on the most suitable site for such a University[4]. It is clear, therefore, that the project was at this time looked upon as not having been fully carried out: and in the following year a new foundation-bull was issued[5]. From this time the life of the University becomes more vigorous. It sends three Doctors in Theology and two of Decrees to the Council of Constance[6]: and for some years after this there is evidence of the existence of a considerable Studium, especially in Theology. But it is probable that it did not outlive its founder, who died in 1437,

Extinction.

and certain that both Fünfkirchen and Buda must have been practically extinguished before 1465, when a Bull of

[1] The authority for the statement is Inchofer, *Annales regni Hungariæ*, Romæ, 1644, I. p. 328. Denifle (I. p. 419) tells us that the Bull cannot be found at Rome, but it is mentioned in Garampi's Catalogue, and the fact that a Studium Generale was founded by Sigismund is attested by a Bull of John XXIII. Cf. Ábel Jenö, p. 57.

[2] Ábel Jenö, p. 59.

[3] *Ib.* p. 60.

[4] *Ib.* pp. 18, 57.

[5] The only trace of this Bull known to exist is the entry in Garampi's Catalogue: 'Erectio studii generalis in oppido veteris Budæ Vesprimien. dioec. *A. B. Johannis* 23, *II.*' Denifle, I. p. 421.

[6] Ábel Jenö, p. 61.

Paul II declares that there now exists no Studium Generale in the kingdom of Hungary. This Bull was called forth by a petition of King Matthias, and authorizes the Archbishop of Gran and the Bishop of Fünfkirchen to erect a University in any city of the realm approved by the King[1]. It seems that the immediate effect of this Bull was a new University at Pressburg; but some years afterwards we find a new College erected at Buda by King Matthias. It appears, however, difficult to say whether this was regarded as a revival of a new University or as a wholly new institution. The fact that its first Rector was a Friar seems to indicate that its organization was not altogether upon the usual University lines[2].

§ 4. PRESSBURG (1465–7).

SCHIER, *Memoria Academiæ Istropolitanæ*, Viennæ, 1774. ÁBEL JENÖ, *Egyetemeink a Középkorban*, Budapest, 1881. There is said to be an article by WINDISCH in *Neues Ungarisches Magazin*, II. Pressburg, 1792.

Allusion has already been made to Paul II's Bull of 1465, conferring on the Archbishop of Gran and the Bishop of Fünfkirchen powers to erect a University in any town of Hungary selected by the King[3]. In pursuance of these powers a University was erected in 1467 at Poszony or Pressburg, situated on the great water-way of the Danube near the Austrian frontier. The house of a wealthy citizen, who had opportunely died intestate, was set apart for the Schools, and also for a College of Masters and scholars founded by the King[4]. The Studium actually opened in

Foundation and early history.

[1] Ábel Jenö, p. 64; Schier, *Memoria Acad. Istropolitanæ*, p. 7.

[2] In the Dedication to King Matthias of his *Clypeus Thomistarum* (Venetiis, 1481), the Rector, Petrus Niger, thus describes the College: 'Instituisti namque hac ciuitate Buda, florentissima regni tui sede, apud Prædicatorum ordinis fratres uniuersale gymnasium, ubi cuncti generis disciplinæ, philosophiæ, theologiæ, sanctæque scripturæ, ubertim possint quod quisque cupit haurire' (Echard, *SS. Ord. Præd.* I. p. 862a). Cf. Wallaszky, pp. 5–7 *sq.* Some of the accounts here quoted border on the fabulous.

[3] See above, § 3.

[4] Ábel Jenö, pp. 66, 68, 78; Schier, p. 12. The date is given by an horoscope preserved in the Civic Library at Vienna, inscribed 'Figura coeli hora Institucionis Universitatis

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the same year under Masters of Theology, Canon Law and Arts, hired from Vienna, France, and Italy[1]. The documentary allusions to the University are sufficiently numerous to show that it enjoyed a robuster life than its predecessors, and lasted till the war between King Ladislaus and the Emperor Maximilian made peaceful studies impossible in Hungary. Both the King and the Archbishop, who concurred in its foundation, were much given to judicial Astrology, and such fame as the University acquired was due to the Astrological eminence of its Masters[2].

Constitution.

The original Bull of Paul II gave the Apostolic delegates named therein power to frame Statutes 'on the model of the University of Bologna,' and that clause contains the only clue which appears to be forthcoming as to the constitution of this and other Hungarian Universities[3]. The Archbishop of Gran was Chancellor, and an Archiepiscopal Ordinance conferred on the Vice-Chancellor, the Provost of the Church of Pressburg, a comprehensive jurisdiction in all cases—spiritual, civil, and criminal—in which a scholar was engaged, reserving, however, an appeal to the Archbishop[4].

§ 5. UPSALA (1477).

ANNERSTEDT, *Upsala Universitets Historia*, T. I, Upsala, 1877. This may be a convenient place to mention DAAE, *Matrikler over Nordiske Studerende ved fremmede Universiteter*, Heft I of which (Christiania, 1885) gives the list of Scandinavian students for Prague and Rostock.

Foundation and

A Bull for a University at Upsala was issued by Sixtus IV in 1477, on the petition of the Archbishop of

histropolitane Anno domini 1467°.' The town of Poszony was not previously known as *Istropolis*, and on this account Schier supposes that the University was originally founded at Gran, and afterwards transferred to Poszony, higher up the Danube, where it would be less exposed to Turkish inroads, and enjoy easier communication with the civilized West.

[1] Ábel Jenö, p. 69; Schier, p. 22. It is not clear, however, whether those from France and Italy ever actually arrived.

[2] Ábel Jenö, pp. 70 *sq.* 78; Wallaszky, *Tentamen Hist. Litt. in Hung.* pp. 20, 26.

[3] 'Ad instar studii Bononiensis,' Ábel Jenö, p. 65.

[4] Ábel Jenö, p. 76.

Upsala and the Bishops and clergy of Sweden. The Bull declares that the University was to be on the model of Bologna, and confers the privileges of that University[1]. No early Statutes of Upsala are extant, but there can be little doubt, in spite of this declaration, that some German University, such as Cologne or Rostock, with which Swedish ecclesiastics were familiar, was the real model for the new University. The Archbishop, James Ulfsson, was its true Founder. It was closely connected with the Cathedral: it is even said to be founded 'in the Metropolitan Church of Upsala[2].' No Royal Charter was issued, though the Archbishop's Ordinance recites that Steno the Governor and the Council of the Realm had conceded to his foundation the Royal privileges of Paris[3]. Such endowments as the University possessed came from the annexation of Prebends in the Cathedral Church. There is evidence that Lectures in Theology and Arts really began in the foundation year and continued till the close of the century[4]. At that time we find a Professor of Theology endowed with a Cathedral prebend, a Professor of Law and a 'College' of four Regent Masters of Arts[5].

early history.

§ 6. COPENHAGEN (1478).

BARTHOLINUS, *De Ortu et Progressu et Incrementis Regiæ Academiæ Hafniensis*, Hafniæ, 1620 (no pagination). MATZEN, *Kjøbenhavn's Universitets Retshistorie*, 1479–1879, Kjøbenhavn, 1879. WERLAUFF, *Kiøbenhavns Universitet fra dets Stiftelse indtil Reformationen*, Kiøbenhavn, 1850. RØRDAM, *Fra Universitetets Fortid*, Kjøbenhavn, 1879.

Foundation and constitution.

The University of Copenhagen—since 1443 the capital of the Danish Kingdom—was founded under a Bull granted by Sixtus IV in 1475 on the petition of King Christian I[6].

[1] Annerstedt, I. Docs. pp. 1–4.

[2] *Ib.* I. Docs. p. 6: 'apud metropolitanam ecclesiam Upsalensem.'

[3] *Ib.* I. Docs. p. 7.

[4] *Ib.* I. p. 30 *sq.* The evidence is chiefly derived from MS. notes or dictates by Students.

[5] See the Archiepiscopal Ordinance of 1504, which assigns 130 marks from the Cathedral revenues (Docs. p. 414). But it would seem that some endowment out of Cathedral funds must already have been provided, since the College of Arts is assumed to be in existence.

[6] Matzen, I. Docs. p. 1. According

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The Bull runs in a form not unusual at this period: it authorizes the Primate, the Archbishop of Lund, to erect a Studium Generale in any place selected by the King, to frame Statutes for it, and to make the Bishop of the diocese Chancellor. The Chancellor is to have all the powers of the Archdeacon of Bologna, but in the conferment of degrees he is to observe the constitutions of Vienne[1]. In 1478 the University was actually planted at Copenhagen by Royal Letters-patent[2]. By these letters the Bishop, Dean, and Provost of Roskild, together with the Dean of Copenhagen, were appointed Royal Conservators with an apparently unlimited jurisdiction over students. In 1479 a Code of Statutes was promulgated by the Archbishop of Lund[3]. They are little more than a transcript of the Statutes of Cologne, which were themselves based on those of Vienna. Cologne had, no doubt, hitherto been one of the chief places of education for Danish students; and thence came the first Professors of Copenhagen[4]. The University was brought to an end in 1530 by the civil and religious commotions of Denmark, and was re-founded as a Protestant University in 1539 by Christian III, three years after the definitive triumph of Protestantism in that country[5]. The University had originally been endowed with a few impropriations, but it remained poor and obscure until its re-foundation by Christian III.

Collapse and re-foundation, 1539.

to Bartholinus, a Bull had been granted in 1420 by Martin V, but remained unexecuted.

[1] See above, vol. I. p. 232.

[2] Matzen, I. Docs. p. 3.

[3] Matzen, I. Docs. p. 4.

[4] Werlauff, p. 6; Rørdam, p. 19.

[5] Bartholinus; Matzen, I. p. 78.

CHAPTER XI.

THE UNIVERSITIES OF SCOTLAND.

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THE UNIVERSITIES OF SCOTLAND.

§ 1. S. ANDREWS (1413).

No regular History of the earliest Scotch University has yet appeared. There is a useful sketch by J. M. ANDERSON (*The University of St. Andrews*, Cupar, 1878, with *Supplement*, 1883), which, it is hoped, he will soon replace by a larger work. Some information is given and some documents are printed in LYON, *Hist. of S. Andrews*, Edinburgh, 1843. See also Sir ALEX. GRANT'S *Story of the University of Edinburgh* (London, 1884), a chapter by the late Principal SHAIRP in *Sketches in History and Poetry* (Edinburgh, 1887, p. 132 *sq.*), and a slighter sketch by ANDREW LANG in *St. Andrews*, p. 68 *sq*, London. 1893. But the most important printed source of information at present is the *Report of Commissioners to visit the Universities of Scotland*, London, 1831, and *Evidence*, vol. III. 1837, with *App. of Documents*. I have used two MS. records preserved in the University Library, (1) *Acta Facultatis Artium ab initio Studii S. Andree fundati et privilegiati per Benedictum papam anno domini MCCCCXIII*; and (2) *Acta Rectorum*, dating from 1470.

The Scotch student abroad.

THE adventurous disposition of young Scotchmen dates from the early Middle Ages. Like the Scotch soldier of fortune of that time, and the Scotch clerk or merchant of to-day, the Scotch student was to be found everywhere. Scotchmen—at least lowland Scotchmen—contributed an important element to the 'Boreales' of the English Universities. But the bitter hostility between the two nations and the close intercourse between the Scotch and the French Courts naturally contributed to keep up in Scotland the habit of seeking education on the Continent long after the practice had become very exceptional in England. A Scots' College was, as we have seen, founded at Paris by a Bishop of Moray in 1326; and there are many traces of the

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presence of large numbers of Scotchmen in the smaller French Universities during the medieval period. They also had a Nation to themselves at Padua.

Foreign models for Scotch Universities.

At a later time this habit of seeking education abroad had important effects in Romanizing the Law of Scotland. To provide the country with educated lawyers was no doubt a prominent object with the Founders of the Scotch Universities from the first, though (as we shall see) their object was not accomplished to any great extent till after the close of our period. It was probably from the lesser French Universities, such as Orleans and Angers, in which the Bologna system of Student-elections was modified by the reservation of greater rights to the Bishop on the one hand and to the Masters on the other, that the Scotch University-founders derived the ideal which their earliest constitutions and charters seem to imply. That ideal was, however, very imperfectly realized. Though the study of Canon Law was a prominent object with all the Founders, the Faculty maintained but a slender, and, at times, an even nominal existence in medieval Scotland [1]. The only Faculty which really succeeded in the early days of the Scotch Universities was the Faculty of Arts; and the traditions of the Scotch Faculties of Arts were derived ultimately from Paris [2], and more immediately perhaps from the younger daughters of Paris, the Universities of Northern Germany and the Low Countries, which

[1] At S. Andrews, Theology and Canon Law are mentioned in the MS. *Acta Fac. Artium*, ff. 1 *b*, 4 *a*, 17 *a*. For a most interesting account of pre-University education in Scotland, see Edgar, *History of Early Scotch Education* (Edinburgh, 1893), the chief defect of which is the common assumption that Schools for seculars connected with Monasteries were taught by monks.

[2] 'Quod more parisiensi libri consueti legantur ordinarie' (MS. *Acta Fac. Artium*, f. 1 *b*). The Parisian Nominalism reigned at S. Andrews: 'Quod doctrina Alberti adhuc non legatur in isto studio sed Buridani' (*l. c.* f. 4 *a*). Here, however, as elsewhere, there was a reaction. In 1438 a motion for suppressing the 'doctrine' of Albert and Petrus Hispanus in favour of Buridan was carried by twenty-one to five, but eventually leave was granted to teach 'via domini Alberti vel cujuslibet alterius philosophi ab ecclesia recepti' (*l. c.* ff. 21*b*, 22*a*). At Glasgow (in 1482) the 'Via Antiqua' prevailed, since Petrus Hispanus is the Logical Text-book. *Mun. Univ. Glasg.* II. p. 25.

were much frequented by Scotchmen. Consequently the modified Student-autonomy contemplated by the original Founders early sank in practice to a mere phantom in the Universities in which it has nevertheless longest maintained its ground.

Foundation of S. Andrews, 1411–3.

Till the beginning of the fourteenth century there were no Schools in Scotland beyond the ordinary Church-schools, which taught Grammar and Logic to the poorer ecclesiastics who could not afford to wander far from home in quest of learning[1]. The first steps towards the foundation of the University of S. Andrews were taken in 1411, in which year the Bishop granted a Charter of Privilege. At that time the Schism—aggravated instead of cured by the election of a third Pope at Pisa—had rendered the position of the Scotch adherents of Peter de Luna more than usually uncomfortable in Oxford and even in the generally more congenial Universities of the Continent. The Founder of the first Scotch University was Henry Wardlaw, Bishop of S. Andrews, the legate and foremost champion of the Anti-pope of Peniscola, then deserted by all his former adherents except Scotland and Spain. The Bull of Benedict XIII was not actually granted till 1413[2], when it was promulgated with great

[1] E. g. the thirteenth-century Statutes of Aberdeen Cathedral require that the Chancellor 'prouidebit de ydoneo magistro qui habeat regimen scolarum de Aberden qui sciat pueros tam in grammatica quam in logica erudire.' (*Registrum Episcopatus Aberdonensis*, Maitland Club, 1845, II. p. 45). In the *Council Register of Aberdeen* (Spalding Club, 1844, p. 5, an. 1418), is the statement that 'ad dignitatem cancellarie predicte collacio beneficii Magistri Scolarum burgi de Abirdene pleno jure noscitur pertinere' (cf. *ib.* p. 37), but the Master was presented by the Provost and Town Council—an interesting indication that Town Schools were not free from ecclesiastical jurisdiction (as seems to be assumed by Kaufmann, *Gesch. d. deutsch. Univ.* I. p. 110). The Master was invested 'per donationem birreti mei' (the Chancellor's)—a fragmentary kind of graduation. Mr. J. M. Anderson (p. 4) gives some instances of education at S. Andrews, and adds, 'The Exchequer Rolls also testify that during the fourteenth century the sons of the Scotch nobility were frequently boarded in St. Andrews for their education.'

[2] *Documents*, p. 171. In this Bull 'Studium Generale' and 'Universitas studii' are treated as synonymous. Wardlaw's deed of foundation is recited in Benedict's confirmation. *Ib.* p. 173.

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pomp in the Cathedral Church[1]. The Bishop was made Chancellor; the Bishop of Brechin and the Archdeacons of Glasgow and S. Andrews were named Conservators Apostolic; and the Rector, by a very unusual provision of the Papal Bull, is required to be a graduate and in holy orders[2]. Though the Bull is stated to have been granted on the petition of the King as well as of the Bishop and Chapter, no Royal Charter was issued before the Confirmation of the University's privileges by James I of Scotland in 1432[3]. This is accounted for by the fact that at the time of the foundation the Scotch King was a prisoner in English hands. Most of the earlier privileges — the Rector's jurisdiction in the causes[4] of scholars, his power of correction for offences in connexion with the Assize of bread and beer, and various fiscal immunities—were conferred by the Bishop in virtue of his temporal jurisdiction over his Episcopal City.

Constitution.

The University consisted of both Masters and scholars, but the real power was lodged with the Professorial body; in this respect the constitution of the University exactly resembles the later condition of such Universities as Orleans and Angers. The Masters and students—divided into the Four Nations of Fife, Lothian, Angus, and Britain, each with its Proctor[5]—elected the Rector; but by a custom having practically the force of Law, their choice at length came to be limited to the Principals and Divinity Professors[6]. It is curious that recent nineteenth-century

[1] Boethius, *Scotorum Hist.*, Parisiis, 1575, f. 342; Martene, *See of S. Andrews*, S. Andrews, 1797, p. 232.

[2] *Documents*, pp. 171, 172, 174. The principal Papal privilege was of course the usual dispensation from residence, granted at the time of the foundation. *Ib.* p. 172.

[3] *Ib.* p. 18. It appears, however, from Benedict's Bull that the consent of the Scotch Parliament had been obtained.

[4] 'Dummodo ad atrocem injuriam non sit processum' (*Ib.* p. 173). An agreement of 1444 between the citizens and the University recognizes a right of appeal to the Bishop from all Rectorial sentences. *Ib.* p. 177.

[5] The Proctors are mentioned in *Acta Fac. Art.* f. 10 *b*. The *Acta Rectorum* show that the Proctors presided over the election of the Intrants, by whom the Rector was elected.

[6] In 1625 the Senatus Academicus 'jusserunt ne quisquam eligeretur rector, præter primarios collegiorum magistros' (*Documents*, p. 203). The

legislation should have restored to the students the old medieval liberty of choice, which they now usually exercise in favour of some eminent party politician or man of letters. The Rector and Professors formed the Senatus Academicus, with whom all real academical power was lodged. The means by which the Masters succeeded in reducing the student-vote in the University to a mere fiction would seem to have been the doctrine that the consent of the Regent Masters of Arts was required for any vote involving the expenditure of money[1]. The University, as distinct from the Faculties, had no common purse, and the Faculties were composed exclusively of Masters, who of course elected their own Deans[2]. And the Faculties—that is to say, for all practical purposes, the Faculty of Arts—succeeded in reducing the University to a mere name except for the celebration of the Rectorial elections, and even these ultimately, as we have seen, passed into a mere formality[3].

Suppression of Student-rights.

By the fifteenth century it had come to be generally recognized that a new University could not succeed without endowments. At S. Andrews these endowments were provided by the establishment of Colleges, very much of the type characteristic of the German Universities. In the first place the Faculty of Arts practically resolved itself into a College by setting up a Pædagogy for the reception of students, exactly on the model of the Pæda-

The Pædagogy.

'public' Professors were made eligible in 1642. *Ib.* The late Principal Tulloch, when a student at S. Andrews, led a student-protest against the custom by which the Rectorship was 'filled by certain professors in rotation, without any reference to the wishes of the students.' (Mrs. Oliphant, *Memoir of the Life of John Tulloch, D.D.*, 3rd ed., Edinburgh, 1889, p. 10).

[1] In 1418 'conclusit facultas quod stante dispositione universitatis quod tam graduati quam non graduati, tam magistri quam scolares habeant vocem in deliberacionibus universitatis, universitas non potest disponere nec ordinare de pecuniis alicuius facultatis et sibi propriis sine consensu et voluntate magistrorum regentium in facultate' (MS. *Acta Fac. Artium*, f. 4 *a*).

[2] Deans of Theology and Arts are mentioned, and Mr. Anderson informs me that he has seen a reference to a Dean of Canon Law.

[3] A resolution of the Faculty practically making itself independent of the University occurs in the *Acta* of 1420 (f. 6 *a*).

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gogies of Leipsic or Rostock. For this house the Founder himself provided the site and gave an endowment for building the College and Chapel, but none for the support of the Masters or scholars[1]. A few small benefactions were added later in the shape of Chaplaincies to be held by Masters of the Faculty. Residence in the Pædagogy or a regular Hall was from the first compulsory[2], except in the case of poor students or those living with their parents or their parents' friends in the town. The first endowed College was the College of S. Salvator, founded by James Kennedy, Bishop of the See, in 1450, and confirmed by Pius II in 1458. It consisted of a Doctor of Divinity as Provost a Licentiate and a Bachelor of Divinity to provide for the University teaching in that Faculty, with four Regent Masters of Arts and four simple students[3]. The addition of a few undergraduate members slightly differentiates this foundation from most of the German Colleges; but, as they had no share in the government of the College, the difference is not important. The Scotch Colleges resemble the German in being primarily endowments for University teachers, not endowments for students like the Colleges of Oxford and Paris.

S. Salvator's College, 1450.

[1] See 'the Donatio Fundi seu Terræ Pædagogii per Henricum Episcopum, Decano et Facultati Artium' (*Documents*, p. 351 *sq.*), which is given 'ut videlicet regentes et magistri in dicta artium facultate scolas artium et, si opus fuerit, grammaticales inibi valeant tenere, regere, et gubernare.' The Collegium S. Iohannis Evangelistæ mentioned in the *Acta* appears to be identical with the Pædagogy, which was situated 'prope capellam beati Iohannis ex parte occidentali' (*Acta Fac. Art* f. 10 *a*).

[2] 'Quod omnes studentes in artibus viverent collegialiter et quod non audirent sub aliquo magistro vel aliquibus magistris nisi tenentibus domicilium' (MS. *Acta Fac. Artium*, f. 1 *b*). Thus Masters were forbidden to teach unless they also kept a Hall: 'quod nulle scole regerentur in facultate artium nisi per modum aule uel pedagogii nocte et die sub regimine et custodia magistrorum nec admitterentur venientes ab extra nisi pauperes et illi de villa in fauorem burgensium' (*l. c.* f. 2 *a*). In f. 2 *b* lodging with 'amici' by the parents' leave seems recognized. Masters continued to be nominally bound to lecture as Regents for two years, unless dispensed (*l. c.* f. 2 *b*), but the dispensation was probably granted as a matter of course; and the non-regents still retained some rights, being appointed Assessors to the Dean.

[3] *Documents*, pp. 269–273.

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The existence of the general Pædagogy of the Faculty did not at first prejudice the right of other Masters to open Halls or Pædagogies of their own, and to teach pupils who chose to enter them. But in 1429 we find the Masters resolving that, in consequence of the 'discords and scandals' which arose from this freedom, there should in future be only one Pædagogy or College[1]. Since teaching outside the Pædagogies was not allowed, and only a limited number of Masters could find places on the staff of the College, the ultimate effect of this measure was to revolutionize the educational system of the University. Instead of a shifting body of graduates teaching in virtue of their oath of residence or the inherent right given them by their degrees, the teaching Masters passed into a permanent co-optative Professoriate, though it is only at a comparatively recent period, in this and other Scotch Universities, that the teachers of the Faculty of Arts have become specialized teachers of particular subjects, and still more recently that they have abandoned the ancient medieval title of Regent for the more imposing but (in its present sense) more modern style of Professors.

Abolition of private Pædagogies.

Growth of a Professoriate.

The Pædagogium was afterwards supplanted by S. Mary's or New College, founded in 1537 by James Beaton, Archbishop of the now Metropolitan See[2], the older institution having by that time become almost extinct[3].

S. Mary's College, 1537.

[1] MS. *Acta Fac. Artium*, f. 10 *b*. In the next year 'deputati' were appointed to choose 'viros honestos quorum labore pedagogium gubernaretur et scolares ab excessibus et vagis cursibus cohiberentur' (f. 11 *a*). In spite of these resolutions, however, other Pædagogies were allowed to continue, though migration from one to another was suppressed in 1432 (ff. 12 *b*, 13 *b*). The single Pædagogy was restored for a time in 1453 (f. 39 *a*), but again we find the old liberty till 1460, when a single Pædagogy was once more resolved on (f. 48 *a*).

[2] Grant, I. p. 14.

[3] If Grant is right in saying that S. Mary's College occupies the site of the Pædagogium, it would seem that the Pædagogium had practically appropriated an endowment originally left to the University itself. See the 'Carta donationis Tenementi et Annui redditus Roberti de Monte Rosarum Collegio Theologorum et Artistarum, ubi nunc est Collegium Theologicum, seu Marianum' of 1418 (*Documents*, p. 350). This document erects 'quoddam Collegium Theologorum et Artistarum,' and appoints a Master or Rector, assign-

CHAP. XI, § 1. It should be observed that the Colleges of S. Andrews received by Papal grant the anomalous privilege of examining their own candidates for degrees[1]. The Uni-

ing 'ejusdem institutionem et destitutionem ad theologicam facultatem; quâ deficiente vel non existente, ad facultatem artium; quibus facultatibus ibidem desinentibus vel non existentibus ad collationem civitatis antedictæ.' But no mention is made of any other members of this 'College' except a Chaplain to say mass, whom the Master is to keep out of the endowments. The bequest seems really to have been a bequest to the University; its peculiar form being dictated by the desire to provide for the continuance of the Masses in what seemed the very probable event 'si... has facultates theologiæ et artium magistrum (*lege* magistrorum) contingat deficere, sive ad alium locum vel civitatem se transferri' [*sic*]. In the year 1484 a certain David' Lyndsay de Byris leaves a rent charge of 40*s*. 'facultati artium sive pedagogio' (*Documents*, p. 351), an expression which illustrates the complete identity of the Faculty of the Arts and the unendowed 'College' annexed to it. In 1494 Alexander Inglis, Archdeacon of S. Andrews, founded a Chaplaincy in the Cathedral for one of the Masters (*ib.* pp. 352, 353). Other Chaplaincies were founded in 1501, and in 1512 the Parish Church of S. Michael's was impropriated for the College (*ib.* pp. 354–356).

[1] A Bull of 1468 granted to the Provost and Canons of S. Salvator's 'quod in loco Collegii qui ad hoc liber sit de cetero lectiones et auditiones pro forma ad gradus in Theologia et in Artibus requisite fieri, et volentes promoveri ad Licentiæ sive Magisterii gradus, tam in Theologia quam in Artibus hujusmodi, juxta consuetudinem Universitatis Studii Sancti Andreæ, temptari, examinari, et per præpositum Collegii ejusdem, cum electis per eum quoad hoc obligatis Magistris examinatoribus ad secretum et fidele judicium, ad gradum Licentiæ et Magisterii, digni videlicet recipi, et indigni repelli possint, secundum examinantium conscientias, nec promoti sive promovendi pro tempore alibi quam in eodem collegio Bursas solvere consuetas compellantur (consuetudinibus ejusdem Universitatis facultatis artium, etiam juramento vallatis, non obstantibus)... absque tamen Cancellarii et aliorum quorum interest præjudicio' (*Documents*, pp. 273, 274). This grant seems to confer on the College the exclusive right to examine and take fees from Graduands, but not the right to actually confer degrees without the intervention of the Chancellor. The question is more doubtful with respect to the Bull of Paul III in 1537, which conferred upon the 'Regents and Superiors' of S. Mary's College the right 'juxta dictæ Universitatis consuetudines seu alias promovendi, et ipsorum graduum solita insignia et [*sic* exhibendi' (*ib.* p. 358). Grant (I. pp. 12, 16) assumes that in both cases the College actually conferred the degrees. This was certainly the case with the Post-Reformation Marischal College of Aberdeen (1593), which was and continued to be till the present century, a wholly distinct University ('the University of New Aberdeen') with Chancellor and Rector of its own. By this time the distinction between a University and a College, hitherto retained even when the two were practically coextensive, was becoming confused.

versity was thus for practical purposes broken up into Colleges far more completely than the Universities of Oxford and Cambridge. In 1579 James VI of Scotland, at the suggestion of the learned Buchanan, appropriated S. Mary's College to the Theological Faculty[1]. The other two Colleges—S. Salvator's and S. Leonard's (united in 1747)[2]—which were annexed to the Faculty of Arts, continued to lodge and board their foundation-members till 1820, though residence in them ceased to be compulsory in 1747. The mere accident that the accommodation was insufficient to house the non-foundationers is probably the main cause of the decline of the 'Collegiate system' in this and other Scotch Universities. By 1747 the buildings had become so bad that the foundationers petitioned to be released from residence, while in 1820 the *ménage* of the common-table, which possibly continued the old medieval scholar's mode of life more completely than any other institution still surviving in Europe, proved too austere even for that austerest of modern scholars, the poor Scotch student. Henceforth the rights of the Bursars were commuted for a money payment: the Colleges continued to exist merely as endowments for Professors and 'Bursars,' i.e. non-resident foundation-scholars[3].

[1] *Documents*, p. 183.

[2] *Documents*, p. 278. S. Leonard's was founded in 1512. *Ib.* p. 274.

[3] See the interesting pamphlets, *A brief Inquiry into the rights and privileges of the Foundation Bursars of the United College of S. Salvator's and S. Leonard's* (Dundee, 1842), and *A true account of the Regulation and Management of the Foundation Bursaries of the United College, St. Andrews* [by Ch. Rogers], Dundee, 1843. At Aberdeen an attempt to enforce residence on all students of King's College was made as late as 1753, when a resolution of the College declares that 'it hath been found by experience that *the late practice* of students lodging and eating in private houses in different parts of the town is attended with many inconveniences' (*Report of Commissioners*, 1837, vol. IV. p. 175). Voluntary residence died out at about the same time as at S. Andrews, i.e. *circa* 1820. C. Innes, *Sketches of Early Scotch Hist.* p. 307. At Glasgow, the common tables were given up in 1688 (*Documents*, pp. 540, 549), but there were still a few students in College in Reid's time. *Ib.* p. 152.

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§ 2. GLASGOW (1450).

Report of Commissioners for visiting the Universities of Scotland, 1831, and *Evidence*, 1837, vol. II, with *App. of Documents*, p. 255 *sq.* There is an interesting Chapter on Glasgow by COSMO INNES. in *Sketches of Early Scotch History*, Edinburgh, 1861, p. 220 *sq.* *Munimenta Universitatis Glasguensis* (Maitland Club), ed. C. Innes, Glasgow, 1854—a complete and splendid collection of documents down to 1750. *Memorials of the Old College of Glasgow*, Glasgow, 1871: re-edited as *University of Glasgow, Old and New*, Glasgow, 1891. BLACKBURN, *Short Sketch of the Constitutional History of the University of Glasgow*, London, 1858. There are a few short notices of the old Scotch Universities in MACKINTOSH, *Hist. of Civilisation in Scotland*, London, 1878.

Foundation, 1450.

The University of Glasgow was founded in 1450 by William Turnbull, Bishop of the See, under a Bull of Nicolas V, which conferred the privileges of Bologna[1]. Its *de facto* existence appears to date from about 1453.

The Pædagogy.

A building of some kind seems to have been from the first rented for Schools and perhaps students' chambers[2], and about the year 1460 a regular Pædagogium was built on ground given by the first Lord Hamilton[3]. Here the old Collegiate building of the University was never superseded by the foundation of later and more independent

[1] *Munimenta*, I. p. 3 *sq.* The Royal Letters Patent (*ib.* p. 6), and the Bishop's Charter of Privilege (*ib.* p. 7) were issued in 1453. Hector Boece (*Scotorum Hist.*, Parisiis, 1575, f. 378), dates the foundation in 1454. The Statutes give 1451 as the date of the foundation. We may assume that the University had a formal existence in this year, but did not really begin work till some years later. Here also the juridical privileges—very much the same as at S. Andrews—were conferred by the Bishop on his own authority.

[2] Innes, *Sketches*, p. 245; *Munimenta*, Pref. p. xxxvi. II. p. 191; *Report* (1831), p. 215. A house is still pointed out in Rotten Row as the 'Auld Pedagogy,' but from *Munimenta*, p. 182, it would appear that the Schools of the Faculty were 'in Vico,' which is more likely to mean the High Street (the site of the later Pedagogy). The tradition about the 'Auld Pedagogy' may have grown out of the fact that the Chantry of S. Michael's in the Cathedral, which belonged to the University, was endowed with a house in Rotten Row. See *Munimenta*, pp. 49, 58, 76, 189. Innes translates 'in Vico' *in the town*! It is clear from *Mun.* II. p. 204 that the Faculty was not located in Rotten Row when the new Pædagogy was built.

[3] *Munimenta*, I. p 9.

Colleges, and the seventeenth-century Pædagogy, built on the old site, continued to be the local habitation of the University down to the erection of its present splendid abode in 1869, though the old College-life had long disappeared[1]. 'College' and 'University' here became almost indistinguishable terms. The want of adequate endowments was long fatal to the progress of the University. The Faculty of Canon Law is the only one of the superior Faculties which seems to have been represented even by a single Doctor[2]. In the Faculty of Arts the annual matriculations were usually under twenty[3]: and in 1572 even the Pædagogy is described as a ruin and its studies as 'extinct.' In that year the University was endowed by the City Corporation with the property of the suppressed Convents of the Mendicants[4]; soon after which it took a new and more vigorous lease of life as a Protestant University under the *Nova Erectio* of James VI[5].

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Nova Erectio, 1577.

The Constitution of the University was very much on the lines of S. Andrews. There were—theoretically at least—the Four Faculties with their Deans (though only the Dean of the Faculty of Arts ever puts in an actual appearance), the Four Nations—Clydesdale, Teviotdale, Albany, and Rothesay—with their Proctors elected by the whole body of Masters and students, the Rector elected by the four 'Intrants' of the Nations, and the Bishop-Chancellor for the conferment of the Licence[6]. The earliest extant Statutes

Constitution.

[1] It would at first appear to have had no endowments for students, though various benefactions were left for the support of the Regents and College generally. The first Bursaries were founded in 1563. *Munimenta*, I. p. 66.

[2] *Munimenta*, II. p. 19.

[3] *Munimenta*, II. p. 67.

[4] *Munimenta*, I. pp. 71, 82.

[5] *Munimenta*, I. p. 103. Gavin Dunbar, Abp. of Glasgow, contemplated the foundation of a College at Glasgow in 1527 (pp. xii, 49), but nothing seems to have come of his design.

[6] *Munimenta*, II. p. 43, &c. After the Reformation, Thevidalia was changed to Laudonia; Clidisdalia and Albania have become Glottia and Transforthia; Rothesay was at one time called Siluria. *Munimenta*, Pref. p. xiii. The system of electing by Intrants in the Parisian fashion was restored in 1727; but it was ordered that the Proctor should first hold a meeting of the Nation to decide the Intrant's vote—an interesting illustration of the tendency of indirect election to pass into direct.

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—those of 1482—make it plain that the University was intended by its Founder to be one of the Bologna pattern—a student University[1]; a desire no doubt inspired by the ambition that his University should become a great School of Law. But, as we have seen, the only Faculty which had any serious existence was that of Arts; and the extreme youth of its pupils as well as the whole habits of the country into which it was attempted to introduce the exotic University-system were fatal to the success of such a scheme. The University Statutes[2] contemplate General Congregations of the whole body of Masters and students summoned by the Rector, but in the general Congregations of the Faculty of Arts it is evident that only Masters were present[3]. Practically the whole administration of the University was vested in the Principal and Regents: and as the students were required, in the absence of special dispensation, to live in the Pædagogy under the discipline of the Regents[4], it is obvious that the student autonomy was reduced to a mere shadow. Only on occasions of the Rectorial elections was the organization of Nations and student Proctors called into actual existence—for which purpose it has lasted down to the present day. The Statutes of the Faculty of Arts by their frequent appeals to the customs of the University of Cologne, betray the model upon which the University of Glasgow was really built[5]: though here the Regents succeeded in reducing the students to a state of schoolboy subjection which was hardly accomplished in Germany. In 1532 a Congregation of the Faculty of Arts presided over by the Rector of the students' choice (though himself a Master) enacted that any student who was caught

[1] *Munimenta*, II. p. 3 *sq.*

[2] *Munimenta*, II. pp. 6, 7.

[3] *Munimenta*. II. p. 17 *sq.*

[4] 'Quod quilibet studens in facultate artium potens stet commensaliter cum regentibus in collegio.' Poverty is the only ground of excuse recognized. But it is contemplated that they will not all be able to sleep in College: 'dormiant in cameris collegii tot quot commode et honeste locari poterunt' (*Munimenta*, II. p. 17).

[5] There is no positive evidence for the theory of Innes and others that Louvain was in a special manner the model of Glasgow. The features noticed in proof of this are common to many North-German Universities besides Louvain.

out of his bed-chamber after the bell for silence had rung or who should 'rashly and temerariously' meet the Rector, Dean, or one of the Regents in the streets without seeking to avoid their awful glance, or even play any game, 'otherwise lawful,' in their presence, should be subjected to severe and public corporal chastisement[1]. A century later even playing at ball—one of the few recreations tolerated by medieval disciplinarians—had become criminal[2]: while bathing—a great offence in Puritan eyes—was visited with expulsion as well as flagellation[3]. It is curious that the merely accidental breakdown of the College system should have restored, in the Universities which had at one time exhibited more of the appearance of Schools for boys than any other in the world, much of the old medieval freedom of life.

The constitutional effects of this merging of the University

[1] 'Quod nullus studentium dicti collegii post pulsum silentii in eodem factum tempore scrutinii per regentes exerciti notetur extra suum cubiculum intra locum, nisi de facultate regentium petita et habita, sub pena gravis punitionis pro primo delicto, caligis ad hoc laxatis, pro secundo acriori punitioni subjicietur, et pro tertio sequestrabitur a gremio dicti collegii, ad voluntatem regentium' (*Munimenta*, II. p. 41). 'Statuimus ut nullus predictorum studentium temerarie et inverecunde de die aut de nocte in plateis Rectori decano aut regentibus dicti collegii palam occurrat, aut ludat quovis etiam ludo alias licito in presentiis eorundem regentium nisi de ipsorum facultate, sed statim postquam notatus fuerit se subtrahat et fugiat quantum commode poterit, nec alias inveniatur extra collegium in plateis vagando sine facultate preceptorum sub pena acrioris punitionis eiusdem delinquentis caligis ad hoc laxatis publice coram reliquis studentibus in exemplum aliorum transgredientium' (*Ib.*) The Statute seems to insist on a boy who met a Regent in the streets showing his respect for authority by running away or 'shirking,' as Eton boys were required to do when they met a Master in Windsor till a generation ago. The notion that this was because Windsor was out of bounds may, therefore, be a case of false analogy. The custom of 'shirking' is very ancient, being prescribed to the *clericuli* when they met a Canon by the Statutes of the Church of Lyons in the twelfth century. If they could not run away, they were to pretend they were not there by holding their hands in front of their faces. Migne, T. 199, f. 1104.

[2] 'Nemo ludat reticulari pila, aut sphæristerium ullo modo ingrediatur' (*Munimenta*, II. p 48).

[3] 'Quia triste et luctuosum exemplum vidit Academia in iis qui in aquis innatarent, ideo vetat prohibetque ne quis in album Academiæ adscriptus aquas ingrediatur aut in iis natet. Quod si quis secus faxit castigatum multis flagris Academia ejiciendum censet. Quia decet hoc pietatis seminarium nemo usquam ἀτακτως vivito' (*Munimenta*, II. p. 50).

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Confusion of College and University.

in the Faculty of Arts and of the Faculty of Arts in the College or Pædagogy demand a moment's notice. The Rectorship has through many vicissitudes survived down to our own day: but the Rector was an outsider—a neighbour-Laird or a neighbouring Minister—and took no part in the ordinary administration of academical affairs[1]. For practical purposes the University was governed by 'the Faculty.' When Professors in the superior Faculties were grafted on to the nucleus supplied by the Faculty of Arts, they took their places as members of the only governing body which the University possessed, and which was still called *the* 'Faculty,' though eventually the name 'Senatus Academicus' superseded the older style. At first the Faculty was presided over by the Dean of the Faculty of Arts, who, in the virtual absence of the superior Faculties, was known as the 'Dean of Faculty.' The Head of the College—originally known as the Principal Regent, afterwards as the Principal—was, however, practically the most important person in the University after the Dean; and gradually succeeded in pushing that official entirely into the shade and usurping the presidency of the Faculty. The functions of the Dean were henceforth limited to certain ceremonial duties in connexion with the conferment of degrees, and the Principal came to be known as the 'Principal of the University.' Much the same constitutional changes have taken place in the other Scotch Universities. Only at S. Andrews does the existence of two Colleges remind Scotchmen that there was ever a difference between a College and a University: and even there the Principal of the senior College is the resident Head of the University —a position still further emphasized by the union of the office with that of Vice-Chancellor[2].

[1] At S. Andrews the Rectorship circulated among the Professors. Cf. above, p. 298, n. 6.

[2] The Principals were originally appointed by the Bishop Chancellors, afterwards by the Crown. The Regents were long appointed by 'the Faculty' after a competitive disputation. The absolute supremacy of the Professorial staff in the Scotch Universities has been modified by the appointment of a partially external 'University Court' presided over by the Rector.

§ 3. ABERDEEN (1494).

Report of Commissioners for visiting the Universities of Scotland, 1831, and *Evidence*, vol. IV, 1837, with *App. of Documents*. *Fasti Aberdonenses*, ed. C. INNES, Aberdeen (Spalding Club), 1854. C. INNES, *Sketches of Early Scotch History*, Edinburgh, 1861, p. 254 *sq.* Cf. KENNEDY, *Annals of Aberdeen*, London, 1818, II. p. 357 *sq.*

Foundation, 1494.

Aberdeen, like the two other medieval Scotch Universities, was founded by a Bishop. William Elphinston, Bishop of Aberdeen, was personally a more remarkable man than the two earlier University-founders. He is said to have studied Arts and Canon Law at Glasgow, Canon Law at Paris, and Civil Law at Orleans[1]. Sir Alexander Grant[2] suggests that he may have been the original inspirer of the Scotch Act of 1496 which required all barons and freeholders to have their eldest sons instructed in 'Arts and Jure.' At all events it is clear that, even more certainly than the founders of S. Andrews and Glasgow, Elphinston aimed at making his University a School of Law. It was especially intended to be a means of promoting the civilization of the highland clergy, of whose extreme ignorance an appalling picture is drawn in the petition of King James IV recited in the Bull of foundation. This Bull was granted by Alexander VI in 1494[3], but not published till February, $149\frac{6}{7}$[4]. The Royal Charter of the same year incorporates certain benefices, and confers a scanty endowment for the support of a Doctor of Medicine[5]. The decayed Hospital of S. German's was also made over to the University[6]; and from the first it was part of the Founder's plan to endow the University by the erection of a College, which was actually established in 1505 with the title of the College of the Holy Virgin in Nativity—now King's College—which provided teachers in all the Faculties[7]. The College was

The King's College.

[1] *Fasti*, p. xi *sq.*

[2] *Story of Edinburgh*, I. p. 27. The Act is printed in *Miscellany of the Maitland Club*, 1840, p. 5.

[3] *Fasti*, p. 6.

[4] *Ib.* p. 7.

[5] *Ib.* p. 11.

[6] *Ib.* pp. 9, 17, 18 *sq.*

[7] See Hector Boece's Life of Elphinston, ap. *Aberdonensium Episcoporum Vitæ*, 1552, f. xxvii *sq.*: cf. *Fasti*, pp. xvii, 53 *sq.*

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endowed with impropriations; and the resemblance to the German Colleges is increased by the annexation to the College of a Church, of which the Masters became Prebendaries and the 'bursars' choristers or clerks[1]. The University does not appear to have entered upon actual existence till the year 1500, when the teaching of Hector Boece, whom Elphinstone had brought from the College of Montaigu at Paris and eventually made Principal of his new College, soon placed Aberdeen at the head of the Scotch Universities—a position which it retained for at least forty years. A comparison of the early history of those Universities which started with sufficient endowments with the fate of those attempts at University-founding which were not thus supported supplies ample illustration of the absolute necessity—at ordinary times and under ordinary circumstances—of endowment or some other extraneous support for the maintenance of higher education. To this day Aberdeen is kept alive and flourishing, in spite of the competition of the great city Universities of Edinburgh and Glasgow, by the number and wealth of its bursaries.

Constitution.

The constitution of Aberdeen was on the same lines as that of the two earlier Scotch Universities, but the influence of Orleans is plainly discernible in the constitution of its governing body. At Orleans it will be remembered that power was shared between the Professors and certain representatives of the students. So at Aberdeen the power of making Statutes is entrusted to the Chancellor, Rector, and resident Doctors, 'calling unto them' a competent number of Licentiates and scholars, and—a quite original feature—at least two Privy Councillors of Scotland[2]. This state of things does not appear, however, to have lasted long: real power here, as elsewhere, passed

[1] *Fasti*, p. 53 *sq.* A remarkable provision of this Charter is that 'nulle in quacumque facultate per annum integrum fiant vacantie' (p. 58). The wishes of the 'pious founder' do not seem to have had much influence on the length of Scotch Vacations.

[2] *Fasti*, p. 5.

to the Principal and Professors or Regents who, together with the Rector, formed the Senatus Academicus[1]. CHAP. XI.

Subsequent development of the Scotch Universities.

A word must be said as to the educational organization of the Scotch Universities and the process by which it has become so widely differentiated from that of the English Universities. The future of the Scotch University was largely determined for it by the fact that its teachers from the first, or almost from the first, were College teachers and University teachers at the same time. Here, according to the North-German precedent, College and University were more or less completely fused into one. At Paris and Oxford the College teaching, which gradually supplanted the University teaching, was never modelled on the lines of the old University system at all. In particular, the Oxford Tutorial system, by ultimately making every Tutor responsible for the whole education of his pupils, tended to narrow the range as well as to lower the efficiency of the College teaching, while the University teaching practically disappeared, and the University degree system, having no organic relation to the real studies of the Colleges, degenerated into a farce. The consequence was that lecturing—in anything like the sense which the word bears in ordinary usage—almost died out. Education was reduced to lessons in Logic and catechetical instruction on classical books. In the Scotch Universities the instruction of the Colleges always bore a direct relation to the subjects of the degree examination.

Survival of the Medieval Curriculum.

In Scotland the old medieval Trivium and Quadrivium and the old medieval 'Three Philosophies' (Natural, Moral, and Metaphysical), have continued, almost down to the present moment, with a somewhat meagre infusion of the Renaissance Greek, to supply the outline of the University curriculum through all changes in the subject-matter

[1] The Nations and Proctorships appear to have at one time existed. *Documents*, pp. 167, 169.

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actually taught in each department. At first the subjects were divided at the beginning of the academical year, in the way usual at the German Universities, among the Regent Masters, i.e. practically the paid Regents of the Colleges[1]. Very early in the history of the Scotch Universities a system —of which there is no distinct trace in the history of any other University—established itself, by which one Regent took the entire instruction of a class, consisting of the men of a single year, through the whole of their four years' curriculum. The subjects of each year thus 'rotated' among the Regents[2]. Only very gradually, as the standard of efficiency demanded of the teacher rose and the area covered by each subject expanded, was the system of 'rotation' abandoned in favour of the 'fixation' of each Regent to a particular subject[3]. The system of 'rotation' has only quite recently disappeared from the leading 'High-schools' of Scotland. This revolution in the Universities was not completed till after the middle of the eighteenth century[4].

[1] The Glasgow Statute-book retains the oath to lecture for two years unless dispensed, but this was practically no doubt insisted upon only in the case of the College Regents. See *Documents*, p. 287.

[2] The origin of this system is very obscure. The Glasgow Statute provides that the Regents shall choose their books in order of seniority, according to the German system. *Documents*, p. 285. But the system grew up in the Middle Ages; the Reformers indeed wisely attempted to abolish it. See Grant, I. p. 146 *sq.*, and the *Documents*, *passim*.

[3] The first step, about the beginning of the eighteenth century, was to assign Greek to a separate Professor.

[4] This was a great Reform-era in the Scotch Universities, especially at Aberdeen. The spirit of the movement may be illustrated by the following resolutions of Marischal College:—

'That the students may have the benefit of those parts of Education which are not commonly reckoned Academical, such as dancing, writing, book-keeping, French, &c., without losing time in attending Masters at a distance from the College, the Sub-Principal and Regents shall appoint proper rooms in the College, and proper hours when these things may be taught, and shall bespeak Masters of the best characters and qualifications for instructing those who choose to attend them' (*Documents*, p. 176).

'The Professors of Philosophy, with the concurrence of the other Masters, have unanimously agreed to employ much less time than has been usually done in the Universities, in the Logic and Metaphysick of the Schoolmen, which seem contrived to make men subtle disputants

Still more recently and still more gradually has the title of Professor, formerly appropriated only to the single teachers of each of the superior Faculties, supplanted the old medieval Regent or Master[1].

The Scotch Philosophy.

The consequences of this retention of the old medieval curriculum in the Scotch Universities, and the subsequent evolution of distinct chairs of Philosophy out of it, have been of the utmost importance, not only in the history of Scotch Education, but in the history of British and even of European thought. Scotland gained from it an education at once stimulating and practical, however grave its deficiencies on the score of sound preparation and classical discipline: while to the seemingly accidental circumstance that the Scotch Universities provided Philosophers, not merely with chairs but with classes to teach, Europe probably owes in no small measure the development of an important and influential School of Philosophy. Between the time of Hutcheson and that of J. S. Mill a majority of the Philosophers who wrote in the English language were Professors, or at least *alumni*, of Scotch Universities.

Disappearance of the College System.

The reader of the preceding chapters will have remarked how closely parallel this transformation of the old Regent-system into the modern Professorial system has been to a similar development in the German Universities. In both cases the germ of the evolution was contained in the original constitution of the University. The gradual disappearance of the old College life which has taken place in both the Scotch and the German Universities is perhaps to be similarly accounted for. The characteristic feature of both systems in their medieval form was the close fusion

—a profession justly of less value in the present age than it has been in some preceding ones; and to employ themselves chiefly in teaching those parts of Philosophy which may qualify men for the more useful and important offices of society' (*Ib.* p. 177).

Every line of these resolutions breathes the spirit of Locke's *Treatise on Education*, and of that Scotch 'Common-sense' Philosophy whose best representative (Reid) was one of the Regents who voted for these changes.

[1] The Answers to the Commission of 1830 speak of the change as made 'of late years.'

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of the College with the University system. At Paris and Oxford the College life lasted on because it was inseparably bound up with the only educational system which the University possessed. In Germany and Scotland the Colleges were created primarily to supply the Universities with teachers; the common life could disappear without destroying the *raison d'être* of the College-foundations. Another influencing circumstance has been no doubt the different attitudes of the Universities towards the marriage of the teaching body. At the revolutionary Reformation of Scotland and Germany it was assumed as a matter of course that the compulsory celibacy of Regent Masters disappeared with the celibacy of the clergy; and it is not long before we find difficulties arising about the maintenance of discipline in the Colleges [1]. In England, where the breach with the past was less violent, and where the College Fellowship was still looked upon mainly in the light of an endowment for students to which educational functions were only accidentally annexed, the abolition of celibacy appears never to have suggested itself even to Puritan reformers. And the preservation of the common life for graduate-fellows has tended to its preservation for undergraduate students.

Boy-students and Student-elections.

It is not only in its curriculum—in the wide range and the regular succession of subjects prescribed to its students—that the Scotch University preserves to this day the impress of the Middle Ages. Here alone perhaps in Europe were the bulk of the students in the Arts Faculty,

[1] But it was a long time before the Scotch mind reconciled itself to the anomaly of women in College. Thus at Morton's visitation of S. Andrews in 1574, it was ordered 'that the wyffis, bairnis, and servandis of the Principallis and utheris Maisteris in the Universitie be put apart in the cietie out of the Collegis, sua yat wemen, to a slanderus and evill exempill, haif not residence amangis the zoung men studentis, nor zit that the same wemen have ony administratioun and handilling of the common guidis of the College, to ye greit prejudice yairof, and of sic as frelie wald gif thame selffis to the study of Lettres' (*Documents*, p. 189). At a later date the difficulty seems to have been met by requiring the Regent on duty for the week or *Hebdomadarius*, also to sleep in College. As to Marriage in German Universities, see above, pp. 240, 255, n. 5.

till very recently, boys of about the same age as the Artists of medieval Paris or Oxford. The average age is still below that of most Universities. Here alone does the ancient Chancellorship—no longer held by a Bishop—survive side by side with the Rectorship. Above all, here alone do the students—students still at Glasgow and Aberdeen divided into Nations under the government of Proctors—elect the head of a University. These Scotch Rectorial elections, now used as the means of paying a triennial homage to some distinguished public man, reproduce perhaps more both of the outward mechanism and of the ancient spirit of medieval student-life than any feature of the more venerable, but also in some respects far more altered, constitutions of Oxford and Cambridge.

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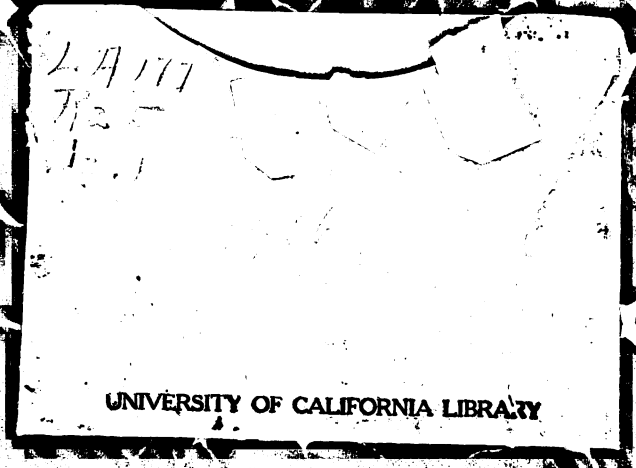
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